1	UNITED STATES DISTRICT COURT	Page 1
1	SOUTHERN DISTRICT OF NEW YORK	
2		
3	Plaintiff,	
4	-against-	
5	THE CITY OF NEW YORK, DETECTIVE MICHAEL	
6	VISCONTI, SHIELD 06482, SECURITY OFFICER WILSON VEGA, HWA, INC.,	
7	Defendants.	
8	x	
9	UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	
10	X	
11	LAJZER GRYNSZTAIN,	
12	Plaintiff,	
13	-against-	
14		
15	THE CITY OF NEW YORK, DETECTIVE MICHAEL	
16	WILLIAMS, SHIELD 06409, SECURITY OFFICER	
17	WILSON VEGA, HWA, INC.,	
18		
19	Defendants.	
20		
-21	x	
22		
23	MAY 21, 2008	
24		
25	11:55 A.M.	

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1	Page 2		Page 4
1	MAY 21, 2008	1	
. 2		2	* * *
3	11:55 A.M.	3	
4		4	
5		5	
6		6	
7		7	
8		8	IT IS HEREBY STIPULATED AND AGREED, by and
9	EXAMINATION BEFORE TRIAL of the	9	among counsel for the respective parties
10	DEFENDANTS by MICHAEL VISCONTI taken by the	10	hereto, that the filing, sealing and
11	PLAINTIFFS, pursuant to Order, held at the	11	certification of the within deposition shall
12	office of Lester Schwab Katz & Dwyer, 120	12	be and the same are hereby waived;
13	Broadway, New York, New York taken before	13	IT IS FURTHER STIPULATED AND AGREED that
14	Mindy Corcoran, a Shorthand Reporter and	14	all objections, except as to form of the
15	Notary Public of the State of New York.	15	question, shall be reserved to the time of the
16		16	trial;
17		17	IT IS FURTHER STIPULATED AND AGREED that
18		18	the within deposition may be signed before any
19	* * *	19	Notary Public with the same force and effect
20		20	as if signed and sworn to before the Court.
21		21	* * *,
22		22	
23		23	
24		24	
25		25	•
	Page 3		Page 5
1	•	1	M. Visconti
2	APPEARANCES:	_	
3		2	MICHAEL VISCONTI,
_		3	•
4	DAVID A. ZELMAN, ESQ.		the Witness herein, having first been duly
1	Attorney for Plaintiffs	3	•
4 5 6	Attorney for Plaintiffs 612 Eastern Parkway	3 4	the Witness herein, having first been duly sworn by the Notary Public, was examined
4 5 6 7	Attorney for Plaintiffs	3 4 5	the Witness herein, having first been duly sworn by the Notary Public, was examined and testified as follows:
4 5 6 7 8	Attorney for Plaintiffs 612 Eastern Parkway	3 4 5 6	the Witness herein, having first been duly sworn by the Notary Public, was examined and testified as follows:  EXAMINATION BY
4 5 6 7 8 9	Attorney for Plaintiffs 612 Eastern Parkway Brooklyn, New York 11225	3 4 5 6 7	the Witness herein, having first been duly sworn by the Notary Public, was examined and testified as follows:  EXAMINATION BY MR. ZELMAN:
4 5 6 7 8 9 10	Attorney for Plaintiffs 612 Eastern Parkway Brooklyn, New York 11225 MICHAEL A. CARDOZO	3 4 5 6 7 8	the Witness herein, having first been duly sworn by the Notary Public, was examined and testified as follows:  EXAMINATION BY  MR. ZELMAN:  Q. Would you please state your name
4 5 6 7 8 9 10	Attorney for Plaintiffs 612 Eastern Parkway Brooklyn, New York 11225  MICHAEL A. CARDOZO Corporation Counsel of the	3 4 5 6 7 8 9 10 11	the Witness herein, having first been duly sworn by the Notary Public, was examined and testified as follows:  EXAMINATION BY  MR. ZELMAN:  Q. Would you please state your name for the record.  A. Michael Visconti. Q. What is your present business
4 5 6 7 8 9 10 11	Attorney for Plaintiffs 612 Eastern Parkway Brooklyn, New York 11225  MICHAEL A. CARDOZO Corporation Counsel of the City of New York	3 4 5 6 7 8 9 10 11 12	the Witness herein, having first been duly sworn by the Notary Public, was examined and testified as follows:  EXAMINATION BY  MR. ZELMAN:  Q. Would you please state your name for the record.  A. Michael Visconti.
4 5 6 7 8 9 10 11 12	Attorney for Plaintiffs 612 Eastern Parkway Brooklyn, New York 11225  MICHAEL A. CARDOZO Corporation Counsel of the City of New York Special Federal Litigation Unit	3 4 5 6 7 8 9 10 11 12 13	the Witness herein, having first been duly sworn by the Notary Public, was examined and testified as follows:  EXAMINATION BY  MR. ZELMAN:  Q. Would you please state your name for the record.  A. Michael Visconti. Q. What is your present business address?  A. 11-40 45th Road, Long Island,
4 5 6 7 8 9 10 11 12 13 14	Attorney for Plaintiffs 612 Eastern Parkway Brooklyn, New York 11225  MICHAEL A. CARDOZO Corporation Counsel of the City of New York Special Federal Litigation Unit 100 Church Street	3 4 5 6 7 8 9 10 11 12 13 14	the Witness herein, having first been duly sworn by the Notary Public, was examined and testified as follows:  EXAMINATION BY  MR. ZELMAN:  Q. Would you please state your name for the record.  A. Michael Visconti.  Q. What is your present business address?  A. 11-40 45th Road, Long Island, New York 11701.
4 5 6 7 8 9 10 11 12 13 14 15	Attorney for Plaintiffs 612 Eastern Parkway Brooklyn, New York 11225  MICHAEL A. CARDOZO Corporation Counsel of the City of New York Special Federal Litigation Unit 100 Church Street New York, New York 10007	3 4 5 6 7 8 9 10 11 12 13 14 15	the Witness herein, having first been duly sworn by the Notary Public, was examined and testified as follows:  EXAMINATION BY  MR. ZELMAN: Q. Would you please state your name for the record. A. Michael Visconti. Q. What is your present business address? A. 11-40 45th Road, Long Island, New York 11701. Q. Good morning.
4 5 6 7 8 9 10 11 12 13 14 15 16	Attorney for Plaintiffs 612 Eastern Parkway Brooklyn, New York 11225  MICHAEL A. CARDOZO Corporation Counsel of the City of New York Special Federal Litigation Unit 100 Church Street	3 4 5 6 7 8 9 10 11 12 13 14 15 16	the Witness herein, having first been duly sworn by the Notary Public, was examined and testified as follows:  EXAMINATION BY  MR. ZELMAN: Q. Would you please state your name for the record. A. Michael Visconti. Q. What is your present business address? A. 11-40 45th Road, Long Island, New York 11701. Q. Good morning. A. Good morning.
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Attorney for Plaintiffs 612 Eastern Parkway Brooklyn, New York 11225  MICHAEL A. CARDOZO Corporation Counsel of the City of New York Special Federal Litigation Unit 100 Church Street New York, New York 10007 BY: JOYCE CAMPBELL PRIVETERRE, ESQ.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	the Witness herein, having first been duly sworn by the Notary Public, was examined and testified as follows:  EXAMINATION BY  MR. ZELMAN:  Q. Would you please state your name for the record.  A. Michael Visconti.  Q. What is your present business address?  A. 11-40 45th Road, Long Island, New York 11701.  Q. Good morning.  A. Good morning.  Q. My name is David Zelman, and I represent the Visconti plaintiffs. I am going to ask you some questions today with respect
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Attorney for Plaintiffs 612 Eastern Parkway Brooklyn, New York 11225  MICHAEL A. CARDOZO Corporation Counsel of the City of New York Special Federal Litigation Unit 100 Church Street New York, New York 10007 BY: JOYCE CAMPBELL PRIVETERRE, ESQ.  LESTER SCHWAB KATZ & DWYER Attorneys for Defendant HWA, Inc.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	the Witness herein, having first been duly sworn by the Notary Public, was examined and testified as follows:  EXAMINATION BY MR. ZELMAN: Q. Would you please state your name for the record. A. Michael Visconti. Q. What is your present business address? A. 11-40 45th Road, Long Island, New York 11701. Q. Good morning. A. Good morning. Q. My name is David Zelman, and I represent the Visconti plaintiffs. I am going to ask you some questions today with respect to a case called Dikler versus The City of New York, et al.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Attorney for Plaintiffs 612 Eastern Parkway Brooklyn, New York 11225  MICHAEL A. CARDOZO Corporation Counsel of the City of New York Special Federal Litigation Unit 100 Church Street New York, New York 10007 BY: JOYCE CAMPBELL PRIVETERRE, ESQ.  LESTER SCHWAB KATZ & DWYER Attorneys for Defendant HWA, Inc. 120 Broadway	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the Witness herein, having first been duly sworn by the Notary Public, was examined and testified as follows:  EXAMINATION BY MR. ZELMAN: Q. Would you please state your name for the record. A. Michael Visconti. Q. What is your present business address? A. 11-40 45th Road, Long Island, New York 11701. Q. Good morning. A. Good morning. Q. My name is David Zelman, and I represent the Visconti plaintiffs. I am going to ask you some questions today with respect to a case called Dikler versus The City of New York, et al.  If at any time you do not
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Attorney for Plaintiffs 612 Eastern Parkway Brooklyn, New York 11225  MICHAEL A. CARDOZO Corporation Counsel of the City of New York Special Federal Litigation Unit 100 Church Street New York, New York 10007 BY: JOYCE CAMPBELL PRIVETERRE, ESQ.  LESTER SCHWAB KATZ & DWYER Attorneys for Defendant HWA, Inc. 120 Broadway New York, New York	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	the Witness herein, having first been duly sworn by the Notary Public, was examined and testified as follows:  EXAMINATION BY  MR. ZELMAN:  Q. Would you please state your name for the record.  A. Michael Visconti.  Q. What is your present business address?  A. 11-40 45th Road, Long Island, New York 11701.  Q. Good morning.  A. Good morning.  Q. My name is David Zelman, and I represent the Visconti plaintiffs. I am going to ask you some questions today with respect to a case called Dikler versus The City of New York, et al.  If at any time you do not understand my question just let me know and I
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Attorney for Plaintiffs 612 Eastern Parkway Brooklyn, New York 11225  MICHAEL A. CARDOZO Corporation Counsel of the City of New York Special Federal Litigation Unit 100 Church Street New York, New York 10007 BY: JOYCE CAMPBELL PRIVETERRE, ESQ.  LESTER SCHWAB KATZ & DWYER Attorneys for Defendant HWA, Inc. 120 Broadway New York, New York	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the Witness herein, having first been duly sworn by the Notary Public, was examined and testified as follows:  EXAMINATION BY MR. ZELMAN: Q. Would you please state your name for the record. A. Michael Visconti. Q. What is your present business address? A. 11-40 45th Road, Long Island, New York 11701. Q. Good morning. A. Good morning. Q. My name is David Zelman, and I represent the Visconti plaintiffs. I am going to ask you some questions today with respect to a case called Dikler versus The City of New York, et al.  If at any time you do not

		Page	6			Page 8
1		M. Visconti	1		M. Visconti	J
. 2	a questio	n pending, your counsel is not	2	Q.	What year was it that you	
3		o speak to you about it. The only	3		n that case?	
4		can do is object to the form of the	4	Α.	I don't understand the question.	
5	guestion.	sair do lo object to the form of the	5	Q.	What year did you testify in	
6	questioni	Do you understand that?	6	that case	•	
7	Α.	Yes.	7	A.	This year.	
8	Q.	You could take a break at any	8	Q.	2008?	
9	~	you have to answer any questions	9	Q. A.	Yes.	
10	•	pending. Okay?	10	Q.	And the corporation counsel was	
11	A.	Yes.	111	your atto	· · · · · · · · · · · · · · · · · · ·	
12		Have you ever testified before?	12	A.	Yes.	
13	Q. A.	Yes.	13	Q.	Do you know if the case is still	
		Have you ever testified in a	14	و. pending?		
14	Q. civil case	•	15	A.	I am not sure.	
15 16	A.	Yes.	16	Q.	Was that the only time you	
			17		n a civil case other than today?	
17	Q.	And how many times have you	18	A.	Yes.	
18		n a civil case?	19		You are now a detective; is that	
19	Α.	Once, I believe.	20	Q. correct?	Tod are now a detective, is that	
20	Q.	Have you ever testified in a	20 21		Vas	
21	•	n forum like this?	22	Α.	Yes.	
22	Α.	Yes.		Q.	What is your title?	
23	Q.	Was that also a case brought	23	Α.	Detective-investigator.	
24		ou as a sergeant, police officer or a	24	Q.	How long has that been your	
25	detective	?	25	title?		
		Page	7			Page 9
1		M. Visconti	1		M. Visconti	
2	A.	Yes.	2	Α.	Since May of 2002, I believe.	
3	Q.	What was the name of that case?	3	Q.	Prior to that, what was your	
4	٧.	MS. PRIVETERRE: If you can	4	title?	The is alley white was year	
5	reme	mber.	5	Α.	Detective-specialist.	
6	A.	Clanton versus New York City.	6	Q.	Do you remember when you got	
7	Q.	What was that?	7	that title?		
8	Q. A.	Clanton.	8	A.	July of '99.	
9		Do you know how to spell that?	9	Q.	Prior to that?	
10	Q. A.	C-L-A-N-T-O-N.	10	Q. A.	Police officer.	
11	Q.	Was that a false arrest case?	11	Q.	When did you become a police	
12	Q. A.	I am not sure. I think so.	12	્ય. officer?	Title if a you become a ponce	
13		What court was that case in?	13	A.	1992.	
14	Q.	I don't know.	14	Q.	Did you do street patrol?	
15	A.		15	Q. A.	Yes.	
	Q. Manhatta	Did you testify here in	16	Q.	How long?	
16			17	Q. A.	Up until 2002.	
17	Α.	It was a deposition.	18		From 1992 until 2002?	
18	Q.	At a deposition?	19	Q. ^	Yes.	
19	Α.	Yes.		Α.		
20	Q.	Did it go to trial, if you know?	20	Q.	So it was approximately ten	
21	Α.	No, I don't know.	21	years?	Voc	
22	Q.	Do you remember the allegations	22	Α.	Yes.	_
23	in that ca		23	Q.	Were you at the same precinct o	Ī
24	A.	I am not sure. I think it was	24	•	vork at different precincts?	
25	a false ai	rest.	25	Α.	I stayed at the same precinct.	

	±		
ľ	Page 10		Page 12
1	M. Visconti	1	M. Visconti
2	Q. What precinct?	2	how long ago?
3	A. 108th.	3	MR. ZELMAN: No, just for how
4	Q. Is that in Queens?	4	long.
5	A. Yes.	5	MS. PRIVETERRE: In his entire
6	Q. As an officer at the 108th, did	6	career?
7	you perform more than 100 arrests?	7	MR. ZELMAN: At 26 Federal
8	•	8	Plaza, the amount of time he was working
		9	<u>-</u>
9	Q. Ranging from murders, rapes to	1	there.
10	shoplifting, et cetera?	10	A. I was there on individual days
11	MS. PRIVETERRE: Objection to	11	at a time.
12	the form.	12	Q. Why would you get called in to
13	Can you break that down?	13	26 Federal Plaza?
14	Q. And so you did all types of	14	MS. PRIVETERRE: Objection to
15	arrests?	15	the form. He didn't say he was called
16	A. Yes.	16	in.
17	Q. And when you became a	17	Q. Did you get called in to 26
18	detective-specialist, were you assigned to a	18	Federal Plaza?
19	specific unit?	19	A. Could you rephrase the question?
E	·		
20	A. Patrol.	20	<b>4</b> ,
21	Q. Patrol?	21	Plaza?
22	A. Yes.	22	MS. PRIVETERRE: When?
23	Q. Did you remain on patrol as a	23	Q. The first time you went there.
24	detective-specialist?	24	A. I was sent there.
25	A. Yes.	25	Q. By whom?
1	Page 11	١,	Page 13
1	M. Visconti	1	M. Visconti
2	M. Visconti Q. Are you still on patrol now?	2	M. Visconti A. By my superiors.
2 3	M. Visconti Q. Are you still on patrol now? A. No.	2 3	M. Visconti A. By my superiors. Q. At the internal affairs?
2 3 4	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on	2 3 4	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes.
2 3	M. Visconti Q. Are you still on patrol now? A. No.	2 3	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose?
2 3 4	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on	2 3 4	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes.
2 3 4 5	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol?	2 3 4 5	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose?
2 3 4 5 6	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002.	2 3 4 5 6	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who
2 3 4 5 6 7	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean	2 3 4 5 6 7 8	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were
2 3 4 5 6 7 8 9	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean what command he is at?	2 3 4 5 6 7 8	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were you at 26 Federal Plaza investigating
2 3 4 5 6 7 8 9	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean what command he is at? A. Could you repeat the question,	2 3 4 5 6 7 8 9	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were you at 26 Federal Plaza investigating duplicate shields or shield issues?
2 3 4 5 6 7 8 9 10	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean what command he is at? A. Could you repeat the question, please?	2 3 4 5 6 7 8 9 10	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were you at 26 Federal Plaza investigating duplicate shields or shield issues? A. I don't know.
2 3 4 5 6 7 8 9 10 11 12	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean what command he is at? A. Could you repeat the question, please? Q. Where do you report to work?	2 3 4 5 6 7 8 9 10 11 12	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were you at 26 Federal Plaza investigating duplicate shields or shield issues? A. I don't know. Q. Was it more than a month?
2 3 4 5 6 7 8 9 10 11 12 13	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean what command he is at? A. Could you repeat the question, please? Q. Where do you report to work? A. Do you want the address?	2 3 4 5 6 7 8 9 10 11 12 13	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were you at 26 Federal Plaza investigating duplicate shields or shield issues? A. I don't know. Q. Was it more than a month? A. No.
2 3 4 5 6 7 8 9 10 11 12 13 14	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean what command he is at? A. Could you repeat the question, please? Q. Where do you report to work? A. Do you want the address? Q. The command.	2 3 4 5 6 7 8 9 10 11 12 13 14	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were you at 26 Federal Plaza investigating duplicate shields or shield issues? A. I don't know. Q. Was it more than a month? A. No. Q. Was it less than a month?
2 3 4 5 6 7 8 9 10 11 12 13 14 15	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean what command he is at? A. Could you repeat the question, please? Q. Where do you report to work? A. Do you want the address? Q. The command. A. Internal affairs bureau.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were you at 26 Federal Plaza investigating duplicate shields or shield issues? A. I don't know. Q. Was it more than a month? A. No. Q. Was it less than a month? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean what command he is at? A. Could you repeat the question, please? Q. Where do you report to work? A. Do you want the address? Q. The command.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were you at 26 Federal Plaza investigating duplicate shields or shield issues? A. I don't know. Q. Was it more than a month? A. No. Q. Was it less than a month?
2 3 4 5 6 7 8 9 10 11 12 13 14 15	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean what command he is at? A. Could you repeat the question, please? Q. Where do you report to work? A. Do you want the address? Q. The command. A. Internal affairs bureau.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were you at 26 Federal Plaza investigating duplicate shields or shield issues? A. I don't know. Q. Was it more than a month? A. No. Q. Was it less than a month? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean what command he is at? A. Could you repeat the question, please? Q. Where do you report to work? A. Do you want the address? Q. The command. A. Internal affairs bureau. Q. Did there come a time that you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were you at 26 Federal Plaza investigating duplicate shields or shield issues? A. I don't know. Q. Was it more than a month? A. No. Q. Was it less than a month? A. Yes. Q. Was it more than two weeks? A. No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean what command he is at? A. Could you repeat the question, please? Q. Where do you report to work? A. Do you want the address? Q. The command. A. Internal affairs bureau. Q. Did there come a time that you worked at 26 Federal Plaza? A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were you at 26 Federal Plaza investigating duplicate shields or shield issues? A. I don't know. Q. Was it more than a month? A. No. Q. Was it less than a month? A. Yes. Q. Was it more than two weeks? A. No. Q. Was it less than two weeks?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean what command he is at? A. Could you repeat the question, please? Q. Where do you report to work? A. Do you want the address? Q. The command. A. Internal affairs bureau. Q. Did there come a time that you worked at 26 Federal Plaza? A. No. Q. Were you ever present there in a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were you at 26 Federal Plaza investigating duplicate shields or shield issues? A. I don't know. Q. Was it more than a month? A. No. Q. Was it less than a month? A. Yes. Q. Was it more than two weeks? A. No. Q. Was it less than two weeks? A. No. Q. Was it less than two weeks? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean what command he is at? A. Could you repeat the question, please? Q. Where do you report to work? A. Do you want the address? Q. The command. A. Internal affairs bureau. Q. Did there come a time that you worked at 26 Federal Plaza? A. No. Q. Were you ever present there in a working capacity?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were you at 26 Federal Plaza investigating duplicate shields or shield issues? A. I don't know. Q. Was it more than a month? A. No. Q. Was it less than a month? A. Yes. Q. Was it more than two weeks? A. No. Q. Was it less than two weeks? A. Yes. Q. Was it more than five days?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean what command he is at? A. Could you repeat the question, please? Q. Where do you report to work? A. Do you want the address? Q. The command. A. Internal affairs bureau. Q. Did there come a time that you worked at 26 Federal Plaza? A. No. Q. Were you ever present there in a working capacity? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were you at 26 Federal Plaza investigating duplicate shields or shield issues? A. I don't know. Q. Was it more than a month? A. No. Q. Was it less than a month? A. Yes. Q. Was it more than two weeks? A. No. Q. Was it less than two weeks? A. Yes. Q. Was it more than five days? A. Was it a total of maybe five
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean what command he is at? A. Could you repeat the question, please? Q. Where do you report to work? A. Do you want the address? Q. The command. A. Internal affairs bureau. Q. Did there come a time that you worked at 26 Federal Plaza? A. No. Q. Were you ever present there in a working capacity? A. Yes. Q. How often were you present there	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were you at 26 Federal Plaza investigating duplicate shields or shield issues? A. I don't know. Q. Was it more than a month? A. No. Q. Was it less than a month? A. Yes. Q. Was it more than two weeks? A. No. Q. Was it less than two weeks? A. No. Q. Was it less than five days? A. Yes. Q. Was it more than five days? A. Was it a total of maybe five days.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean what command he is at? A. Could you repeat the question, please? Q. Where do you report to work? A. Do you want the address? Q. The command. A. Internal affairs bureau. Q. Did there come a time that you worked at 26 Federal Plaza? A. No. Q. Were you ever present there in a working capacity? A. Yes. Q. How often were you present there in a working capacity? Was it more than a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were you at 26 Federal Plaza investigating duplicate shields or shield issues? A. I don't know. Q. Was it more than a month? A. No. Q. Was it less than a month? A. Yes. Q. Was it more than two weeks? A. No. Q. Was it less than two weeks? A. No. Q. Was it more than five days? A. Yes. Q. Was it a total of maybe five days. Q. Five days total?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean what command he is at? A. Could you repeat the question, please? Q. Where do you report to work? A. Do you want the address? Q. The command. A. Internal affairs bureau. Q. Did there come a time that you worked at 26 Federal Plaza? A. No. Q. Were you ever present there in a working capacity? A. Yes. Q. How often were you present there in a working capacity? Was it more than a month? Was it more than a year?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were you at 26 Federal Plaza investigating duplicate shields or shield issues? A. I don't know. Q. Was it more than a month? A. No. Q. Was it less than a month? A. Yes. Q. Was it more than two weeks? A. No. Q. Was it less than two weeks? A. No. Q. Was it less than five days? A. Yes. Q. Was it a total of maybe five days. Q. Five days total? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	M. Visconti Q. Are you still on patrol now? A. No. Q. When did you stop being on patrol? A. May of 2002. Q. Where are you stationed now? MS. PRIVETERRE: Do you mean what command he is at? A. Could you repeat the question, please? Q. Where do you report to work? A. Do you want the address? Q. The command. A. Internal affairs bureau. Q. Did there come a time that you worked at 26 Federal Plaza? A. No. Q. Were you ever present there in a working capacity? A. Yes. Q. How often were you present there in a working capacity? Was it more than a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	M. Visconti A. By my superiors. Q. At the internal affairs? A. Yes. Q. What was the purpose? A. There were individuals there who had duplicate shields. Q. On how many working days were you at 26 Federal Plaza investigating duplicate shields or shield issues? A. I don't know. Q. Was it more than a month? A. No. Q. Was it less than a month? A. Yes. Q. Was it more than two weeks? A. No. Q. Was it less than two weeks? A. No. Q. Was it more than five days? A. Yes. Q. Was it a total of maybe five days. Q. Five days total?

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1	Page 14 M. Visconti	1.	Page 16 M. Visconti
1 2		1 2	the form. Do you know what he is
3	for Mr. Dikler; is that correct?  A. Yes.	3	asking?
		Ī	· · · · · · · · · · · · · · · · · · ·
4	MS. PRIVETERRE: Objection to	5	A. Rephrase the question.
5	the form.	6	Q. The other times you reported to
6	Q. Were there any other persons at	7	26 Federal Plaza to investigate a
7	26 Federal Plaza that you arrested for	8	badge-related issue; do you recall if it was in March of 2006?
8	badge-related issues?  MS. PRIVETERRE: When?	9	A. No.
		1	
10	MR. ZELMAN: At any other time.	10 11	Q. Do you remember if it was in a different month?
11	A. Me personally? O. Yes.	12	A. I am not sure what month it was.
12	•	•	
13	A. No.	13	Q. Do you recall if it was in 2006?
14	Q. He was your only arrest at 26	14	A. I am not sure.
15	Federal Plaza for a badge-related issues?	15	Q. Have you ever been to 26 Federal
16	MS. PRIVETERRE: Do you	16	Plaza in 2008 to investigate a badge-related
17	understand what he is asking?	17	issue?
18	A. Me, as me being the arresting	18	A. No.
19	officer?	19	Q. When you were sent to 26 Federal
20	Q. Yes.	20	Plaza on the Dikler case, who sent you?
21	A. Yes.	21	MS. PRIVETERRE: Objection.
22	Q. The five times that you went	22	What do you mean by sent?
23	there, that was each time to investigate a	23	Q. When you were informed to go
24	badge-related issue?	24	there, who informed you?
25	MS. PRIVETERRE: Objection.	25	A. I received a phone call from one
	Page 15		Page 17
1	M. Visconti	1	M. Visconti
2	A. I don't know. I don't know if	2	of the supervisors at the office.
3	every single occurrence was for that	3	Q. Do you remember the person's
4	specifically.	4	name?
5	Q. How many times did you report to	5	A. No.
6	26 Federal Plaza for a badge-related issue?	6	Q. Was it a supervisor at internal
7	A. I don't know.	7	affairs?
8	Q. More than once?	8	A. Yes.
9	A. Yes.	9	Q. Is it common that you would get
Į.			- · · · · · · · · · · · · · · · · · · ·
10	Q. More than twice?	10	a call from a supervisor at internal affairs
10 11	Q. More than twice? A. Yes.	11	a call from a supervisor at internal affairs to go to a specific location and investigate a
10 11 12	Q. More than twice?	11 12	a call from a supervisor at internal affairs to go to a specific location and investigate a certain allegation or crime?
10 11	Q. More than twice? A. Yes.	11 12 13	a call from a supervisor at internal affairs to go to a specific location and investigate a
10 11 12	<ul><li>Q. More than twice?</li><li>A. Yes.</li><li>Q. More than three times?</li></ul>	11 12	a call from a supervisor at internal affairs to go to a specific location and investigate a certain allegation or crime?
10 11 12 13	<ul><li>Q. More than twice?</li><li>A. Yes.</li><li>Q. More than three times?</li><li>A. I don't know.</li></ul>	11 12 13	a call from a supervisor at internal affairs to go to a specific location and investigate a certain allegation or crime? MS. PRIVETERRE: Objection to
10 11 12 13 14	<ul><li>Q. More than twice?</li><li>A. Yes.</li><li>Q. More than three times?</li><li>A. I don't know.</li><li>Q. This arrest occurred on March</li></ul>	11 12 13 14	a call from a supervisor at internal affairs to go to a specific location and investigate a certain allegation or crime?  MS. PRIVETERRE: Objection to the form. What do you mean by common?
10 11 12 13 14 15	<ul> <li>Q. More than twice?</li> <li>A. Yes.</li> <li>Q. More than three times?</li> <li>A. I don't know.</li> <li>Q. This arrest occurred on March</li> <li>22, 2006; is that correct?</li> </ul>	11 12 13 14 15	a call from a supervisor at internal affairs to go to a specific location and investigate a certain allegation or crime?  MS. PRIVETERRE: Objection to the form. What do you mean by common? Q. You could answer the question.
10 11 12 13 14 15 16	<ul> <li>Q. More than twice?</li> <li>A. Yes.</li> <li>Q. More than three times?</li> <li>A. I don't know.</li> <li>Q. This arrest occurred on March</li> <li>22, 2006; is that correct?</li> <li>A. I think so, yes.</li> </ul>	11 12 13 14 15 16	a call from a supervisor at internal affairs to go to a specific location and investigate a certain allegation or crime?  MS. PRIVETERRE: Objection to the form. What do you mean by common?  Q. You could answer the question.  MS. PRIVETERRE: I don't know
10 11 12 13 14 15 16 17	Q. More than twice? A. Yes. Q. More than three times? A. I don't know. Q. This arrest occurred on March 22, 2006; is that correct? A. I think so, yes. Q. These other times that you	11 12 13 14 15 16 17	a call from a supervisor at internal affairs to go to a specific location and investigate a certain allegation or crime?  MS. PRIVETERRE: Objection to the form. What do you mean by common?  Q. You could answer the question.  MS. PRIVETERRE: I don't know what common means.
10 11 12 13 14 15 16 17 18	Q. More than twice? A. Yes. Q. More than three times? A. I don't know. Q. This arrest occurred on March 22, 2006; is that correct? A. I think so, yes. Q. These other times that you reported to 26 Federal Plaza for a	11 12 13 14 15 16 17 18	a call from a supervisor at internal affairs to go to a specific location and investigate a certain allegation or crime?  MS. PRIVETERRE: Objection to the form. What do you mean by common? Q. You could answer the question.  MS. PRIVETERRE: I don't know what common means. Q. Is it typical in your
10 11 12 13 14 15 16 17 18 19	Q. More than twice? A. Yes. Q. More than three times? A. I don't know. Q. This arrest occurred on March 22, 2006; is that correct? A. I think so, yes. Q. These other times that you reported to 26 Federal Plaza for a badge-related issue, do you remember if it was	11 12 13 14 15 16 17 18 19	a call from a supervisor at internal affairs to go to a specific location and investigate a certain allegation or crime?  MS. PRIVETERRE: Objection to the form. What do you mean by common? Q. You could answer the question.  MS. PRIVETERRE: I don't know what common means. Q. Is it typical in your performance
10 11 12 13 14 15 16 17 18 19 20	Q. More than twice? A. Yes. Q. More than three times? A. I don't know. Q. This arrest occurred on March 22, 2006; is that correct? A. I think so, yes. Q. These other times that you reported to 26 Federal Plaza for a badge-related issue, do you remember if it was before this time or after this time?	11 12 13 14 15 16 17 18 19 20	a call from a supervisor at internal affairs to go to a specific location and investigate a certain allegation or crime?  MS. PRIVETERRE: Objection to the form. What do you mean by common? Q. You could answer the question. MS. PRIVETERRE: I don't know what common means. Q. Is it typical in your performance MS. PRIVETERRE: I don't know
10 11 12 13 14 15 16 17 18 19 20 21	Q. More than twice? A. Yes. Q. More than three times? A. I don't know. Q. This arrest occurred on March 22, 2006; is that correct? A. I think so, yes. Q. These other times that you reported to 26 Federal Plaza for a badge-related issue, do you remember if it was before this time or after this time? A. It was probably before and	11 12 13 14 15 16 17 18 19 20 21	a call from a supervisor at internal affairs to go to a specific location and investigate a certain allegation or crime?  MS. PRIVETERRE: Objection to the form. What do you mean by common? Q. You could answer the question. MS. PRIVETERRE: I don't know what common means. Q. Is it typical in your performance MS. PRIVETERRE: I don't know what typical means.
10 11 12 13 14 15 16 17 18 19 20 21 22	Q. More than twice? A. Yes. Q. More than three times? A. I don't know. Q. This arrest occurred on March 22, 2006; is that correct? A. I think so, yes. Q. These other times that you reported to 26 Federal Plaza for a badge-related issue, do you remember if it was before this time or after this time? A. It was probably before and after. I am not certain.	11 12 13 14 15 16 17 18 19 20 21 22	a call from a supervisor at internal affairs to go to a specific location and investigate a certain allegation or crime?  MS. PRIVETERRE: Objection to the form. What do you mean by common? Q. You could answer the question. MS. PRIVETERRE: I don't know what common means. Q. Is it typical in your performance MS. PRIVETERRE: I don't know what typical means. MR. ZELMAN: Excuse me,
10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. More than twice? A. Yes. Q. More than three times? A. I don't know. Q. This arrest occurred on March 22, 2006; is that correct? A. I think so, yes. Q. These other times that you reported to 26 Federal Plaza for a badge-related issue, do you remember if it was before this time or after this time? A. It was probably before and after. I am not certain. Q. Was it in approximately March of	11 12 13 14 15 16 17 18 19 20 21 22 23	a call from a supervisor at internal affairs to go to a specific location and investigate a certain allegation or crime?  MS. PRIVETERRE: Objection to the form. What do you mean by common? Q. You could answer the question. MS. PRIVETERRE: I don't know what common means. Q. Is it typical in your performance MS. PRIVETERRE: I don't know what typical means. MR. ZELMAN: Excuse me, counselor.

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	Page M. Visconti		Page 20 M. Visconti
1	M. Visconti	$\begin{vmatrix} 1 \\ 2 \end{vmatrix}$	
2	MR. ZELMAN: Look it up.	2	you to guess. A. I don't remember.
3	MS. PRIVETERRE: What do these	1	
4	words that are qualifying as typical and	4	Q. Was it in 2008?
5	common	5	A. I don't remember.
6	MR. ZELMAN: Let me ask my	6	Q. Was it last week?
7	questions. The federal rules are, if	7	A. No.
8	you have an objection, you could say	8	Q. Was it this month, May 2008?
9	objection to form and that is it.	9	A. No.
10	Q. Sir, is it typical or common in	10	Q. Was it in April of 2008?
11	your professional duties to report to a	11	A. No.
12	certain location after you get a call from a	12	Q. Can you approximate when you
13	supervisor?	13	testified in front of the CCRB?
14	MS. PRIVETERRE: Do you know	14	
15	what he means when he uses the words	15	
16	"typical" or "common" or would you like	16	
17	him to rephrase the question?	17	recent time.
18	Q. Is it routine for you?	18	A. It has been several years.
19	A. Yes.	19	<ul> <li>Q. That was the most recent time,</li> </ul>
20	Q. How many times have you	20	several years ago?
21	testified in criminal cases?	21	A. Yes.
22	A. I don't know.	22	
23	Q. Was it more than 100?	23	allegation was in that case?
24	A. I don't know.	24	A. No.
25	Q. Was it more than 50?	25	Q. Do you recall the outcome?
	Page	19	Page 21
1	M. Visconti	1	M. Visconti
2	A. I don't know.	2	A. No.
3	Q. Was it more than ten?	3	Q. The other case where you
4	A. Yes.	4	testified in front of the CCRB, do you recall
5	Q. Was it more than 20?	5	what year that was?
6	A. I don't know.	6	A. No.
7	Q. Is there any way that you could	7	Q. Do you recall what the
8	find out?	8	allegation was?
9	A. Probably.	9	A. No.
10	Q. How?	10	
11	A. If I went over every arrest I	11	A. No.
12	ever made to see how far it went in court.	12	
13	Q. Have you ever testified in front	13	- ,
14	of the CCRB?	14	, ,
15	A. Yes.	15	
ıυ	_	16	
16	•	17	• • • • • • • • • • • • • • • • • • • •
16 17		18	
17		19	•
17 18	Q. Was it more than five?		A' WHA I MAD 199AEA A CD SALIE HILL
17 18 19	A. No.		after 2002
17 18 19 20	A. No. Q. More than two?	20	
17 18 19 20 21	A. No. Q. More than two? A. Yes.	20 21	Q. Do you remember what it was for?
17 18 19 20 21 22	A. No. Q. More than two? A. Yes. Q. When was the last time you	20 21 22	<ul><li>Q. Do you remember what it was for?</li><li>A. Failure to notify a supervisor.</li></ul>
17 18 19 20 21 22 23	A. No. Q. More than two? A. Yes. Q. When was the last time you testified in front of the CCRB?	20 21 22 23	<ul><li>Q. Do you remember what it was for?</li><li>A. Failure to notify a supervisor.</li><li>Q. Were you docked vacation pay or</li></ul>
17 18 19 20 21 22	A. No. Q. More than two? A. Yes. Q. When was the last time you	20 21 22	<ul> <li>Q. Do you remember what it was for?</li> <li>A. Failure to notify a supervisor.</li> <li>Q. Were you docked vacation pay or</li> <li>did you receive any other discipline for those</li> </ul>

1	M. Visconti	ige 22	1	Page 2- M. Visconti
1 2	A. No.	l	1 2	
3	Q. Was there any other discipline		3	Q. Did you receive the call on March 22 to go to 26 Federal Plaza?
4	action at the NYPD?		4	A. Yes, it was on the same day.
5	A. No.		5	· · · · · · · · · · · · · · · · · · ·
6			5 6	Q. It was on the same day? A. Yes.
7	Q. Have you ever been arrested?  A. No.	ļ	7	
8		1	-	Q. Do you recall if that was the
9	Q. Are you still full time with the NYPD?	- 1	8 9	first time you ever performed an arrest for
10				somebody in possession of allegedly a forged
	A. Yes.		LO	badge?
11	Q. Do you recall the arrest of Mr.		L1	A. I don't remember.
12	Dikler?		12	Q. Do you remember placing anyone
13	A. Somewhat.		L3	under arrest for a badge-related issue at any
14	Q. What do you recall about it?		L4	other time?
15	A. I arrested him for being in		L5	MS. PRIVETERRE: Objection to
16	possession of a duplicate type of NYPD	1	L6	the form.
17	detective shield.	- 1	L7	A. There were other people
18	Q. Prior to the arrest, did you		18	arrested, but I don't remember if it was for
19	investigate, did you look at that shield, that		L <del>9</del>	badge related or police impersonation.
20	badge?		20	Q. Before you went to 26 Federal
21	A. Rephrase the question.		21	Plaza did you receive instructions about what
22	Q. Did you decide to place Mr.		22	you were to do when you got there?
23	Dikler under arrest?		23	MS. PRIVETERRE: When?
24	A. Yes.		24	Q. On March 22 or any time before.
25	Q. Before you decided to place Mr.	2	25	A. Yes.
				D 20
1	Pa	ge 23		Page 25
1	M. Visconti	ge 23	1	M. Visconti
1 2		ge 23	1 2	M. Visconti
	M. Visconti	ge 23		M. Visconti
2	M. Visconti Dicker under arrest, did you look at the	ge 23	2	M. Visconti Q. When did you receive those
2	M. Visconti Dicker under arrest, did you look at the badge? A. Yes.	ge 23	2 3	M. Visconti Q. When did you receive those instructions? A. I don't remember.
2 3 4	M. Visconti Dicker under arrest, did you look at the badge? A. Yes.	ge 23	2 3 4	M. Visconti Q. When did you receive those instructions? A. I don't remember. Q. Did you receive them in writing
2 3 4 5	M. Visconti Dicker under arrest, did you look at the badge? A. Yes. Q. What did the badge say, if you recall?	ge 23	2 3 4 5	M. Visconti Q. When did you receive those instructions? A. I don't remember. Q. Did you receive them in writing or did you receive them orally?
2 3 4 5 6	M. Visconti Dicker under arrest, did you look at the badge? A. Yes. Q. What did the badge say, if you recall?		2 3 4 5 6	M. Visconti Q. When did you receive those instructions? A. I don't remember. Q. Did you receive them in writing or did you receive them orally? A. Orally.
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M. Visconti Q. Did you receive any specific intelligence bulletins with respect to the Dikler shield? A. Would you rephrase the question? Q. Sure. You indicated that one way to figure out if the shield was forged was if you received an intelligence instruction; is that correct? MS. PRIVETERRE: Objection to the form. A. Are you referring to the intelligence bulletin? Q. Yes. What did the intelligence bulletin say, if you recall? M. Visconti  Q. Can you describe the instruction sheet better? A. Sure. The shield possessed by law enforcement, specifically, for the city police department can be described and nothing can resemble them in terms of shape, which is the starburst. And there are a few people who are actually allowed to carry shields, such as registered law enforcement and security guards. Q. So is that what instruction the instruction sheet said? A. To some extent, yes. Q. Any time you see a starburst, if it wasn't an authorized NYPD holder, it was forged? MS. PRIVETERRE: Is that correct? THE WITNESS: No. Q. So it listed permissible shields; is that correct? A. Yes. Q. Did it have pictures of shields  Did you receive any specific shape of the shields that were allowed to be carried and by what persons. Q. So it listed permissible THE WITNESS: No. Q. Can you categorize it?	<del></del>			
2 Q. Did you receive any specific 3 intelligence bulletins with respect to the 4 Dikler shield?  A. Would you rephrase the question? Q. Sure. You indicated that one way to figure out if the shield was forged was if you received an intelligence instruction; so way to figure out if the shield was forged was if you received an intelligence instruction; so way to figure out if the shield was forged was if you received an intelligence instruction; so which is the starburst. And there are a few people who are actually allowed to carry shields, such as registered law enforcement and security guards.  A. Are you referring to the 1 intelligence bulletin?  A. Are you referring to the 1 intelligence bulletin?  MS. PRIVETERRE: Which one? MR. ZELMAN: Regarding a shield.  MS. PRIVETERRE: Which one? MR. ZELMAN: Regarding a shields, sisted were allowed to be carried and by what persons.  Q. So it listed permissible 25 g. Did it have pictures of shields  M. Visconti 1 M. Visconti 1 M. Visconti 1 M. Visconti 1 M. M. Visconti 1 M. M. Secure 1 M. M. PRIVETERRE: Objection to the form. Are you asking him a question?  MS. PRIVETERRE: Objection to the form. Are you asking him a question?  MS. PRIVETERRE: May I have that read back? The record was read.]  MS. PRIVETERRE: Which 16 MS. PRIVETERRE: Which 17 Categories, that the read back? The record was read.]  MS. PRIVETERRE: Which 16 MS. PRIVETERRE: Which 17 MS. PRIVETERRE: Which 18 MS. PRIVETERRE: Which 19 MS. PRIVETERRE:	١,			Page 26
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22 A. Yes. 23 Q. How many permissible badges were 24 on the instruction sheet? 22 police officer, that any other persons wearing 23 a starburst shield would be arrested for a 24 forged shield?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	M. Visconti that were not permissible? A. Specifically, no. Q. Unless the shield fell into one of these categories on the instructions, it was a forged badge? MS. PRIVETERRE: Objection to the form. Are you asking him a question? MR. ZELMAN: Yes, that is the question. MS. PRIVETERRE: May I have that read back? [The requested portion of the record was read.] MS. PRIVETERRE: Which categories, that is what I am not following? Q. You indicated that you received	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	M. Visconti A. The court officers have shields like detectives. There are various types of shields, but it is limited as to who is allowed to possess a shield and if they are allowed to possess a shield. There are defined shapes as to what the shield looks like. For example, a security guard's shield, it should be in a specific shape.  Q. How long was this instruction sheet? Was it one page?  A. Yes.  Q. Do you have a copy of it?  A. Not with me, no.  Q. Do you remember when you saw it?  A. Not specifically.  Q. Do you remember what year?  A. 2006.  Q. Is it safe to say that unless a
23 Q. How many permissible badges were 23 a starburst shield would be arrested for a 24 forged shield?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	M. Visconti that were not permissible?  A. Specifically, no. Q. Unless the shield fell into one of these categories on the instructions, it was a forged badge?  MS. PRIVETERRE: Objection to the form. Are you asking him a question?  MR. ZELMAN: Yes, that is the question.  MS. PRIVETERRE: May I have that read back?  [The requested portion of the record was read.]  MS. PRIVETERRE: Which categories, that is what I am not following?  Q. You indicated that you received an instruction sheet listing the permissible	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	M. Visconti A. The court officers have shields like detectives. There are various types of shields, but it is limited as to who is allowed to possess a shield and if they are allowed to possess a shield. There are defined shapes as to what the shield looks like. For example, a security guard's shield, it should be in a specific shape.  Q. How long was this instruction sheet? Was it one page?  A. Yes.  Q. Do you have a copy of it?  A. Not with me, no.  Q. Do you remember when you saw it?  A. Not specifically.  Q. Do you remember what year?  A. 2006.  Q. Is it safe to say that unless a person was authorized to wear a starburst-type
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175 A Inat doesn't exactiv describe 175 MS PRIVETERRE: Objection to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	M. Visconti that were not permissible? A. Specifically, no. Q. Unless the shield fell into one of these categories on the instructions, it was a forged badge? MS. PRIVETERRE: Objection to the form. Are you asking him a question? MR. ZELMAN: Yes, that is the question. MS. PRIVETERRE: May I have that read back? [The requested portion of the record was read.] MS. PRIVETERRE: Which categories, that is what I am not following? Q. You indicated that you received an instruction sheet listing the permissible badges; is that correct? A. Yes. Q. How many permissible badges were	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	M. Visconti A. The court officers have shields like detectives. There are various types of shields, but it is limited as to who is allowed to possess a shield and if they are allowed to possess a shield. There are defined shapes as to what the shield looks like. For example, a security guard's shield, it should be in a specific shape.  Q. How long was this instruction sheet? Was it one page?  A. Yes.  Q. Do you have a copy of it?  A. Not with me, no.  Q. Do you remember when you saw it?  A. Not specifically.  Q. Do you remember what year?  A. 2006.  Q. Is it safe to say that unless a person was authorized to wear a starburst-type of shield, for example, a court officer, a police officer, that any other persons wearing a starburst shield would be arrested for a
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	Page 30		Page 32
1	M. Visconti	1	M. Visconti
`2	the form. Objection to the safe to	2	MR. ZELMAN: You could object to
3	say.	3	the form.
4	But, otherwise, do you	4	MS. PRIVETERRE: May I have that
5	understand what he is asking?	5	read back, please.
6	THE WITNESS: Yes.	6	[The requested portion of the
7	Q. Can you answer it?	7	record was read.]
8	A. Yes.	8	A. The question there is no way
9	Q. And that is the situation we	9	for me to know that.
10	found ourselves in on March 22 when Mr. Dikler	10	Q. When you arrested Mr. Dikler,
11	was arrested, he was not authorized to carry a	11	did you feel that he was trying to trick
12	starburst type of a shield; correct?	12	anybody?
13	A. Yes.	13	MS. PRIVETERRE: When?
14	Q. Prior to the arrest of Mr.	14	MR. ZELMAN: At any time.
15	Dikler, did you confirm that he worked at the	15	MS. PRIVETERRE: At any time
16	Transit Authority or the MTA?	16	that day?
17	A. Yes.	17	MR. ZELMAN: Yes.
18		18	
	Q. How did you do that?  A. He had ID.	19	Q. Prior to your arrest.  A. When you say trick I don't
19		20	understand.
20	Q. He had ID?	21	
21	A. Yes.	1	Q. In any respect, do you know if
22	Q. Did you ever call his employer	22	he tried to use the shield to get into the
23	on that date to verify his employment there?	23	building?
24	A. No.	24	A. No.
25	Q. Because you were confident that	25	MS. PRIVETERRE: Is that a no,
		1	
	Page 31		Page 33
1	Page 31 M. Visconti	1	Page 33 M. Visconti
1 2	M. Visconti	1 2	M. Visconti
2	M. Visconti he did, in fact, work there?	2	M. Visconti you don't know?
2	M. Visconti he did, in fact, work there? A. Yes.	2	M. Visconti you don't know? A. No, I don't know.
2 3 4	M. Visconti he did, in fact, work there? A. Yes. MS. PRIVETERRE: Objection to	2 3 4	M. Visconti you don't know? A. No, I don't know. Q. You never found out if he ever
2 3 4 5	M. Visconti he did, in fact, work there? A. Yes. MS. PRIVETERRE: Objection to the form.	2 3 4 5	M. Visconti you don't know? A. No, I don't know. Q. You never found out if he ever tried to use the shield to get into the
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2 3 4 5 6 7	M. Visconti he did, in fact, work there? A. Yes. MS. PRIVETERRE: Objection to the form. Q. And that is because you felt the ID was valid?	2 3 4 5 6 7	M. Visconti you don't know? A. No, I don't know. Q. You never found out if he ever tried to use the shield to get into the building? A. No.
2 3 4 5 6 7 8	M. Visconti he did, in fact, work there? A. Yes. MS. PRIVETERRE: Objection to the form. Q. And that is because you felt the ID was valid? MS. PRIVETERRE: Which ID?	2 3 4 5 6 7 8	M. Visconti you don't know? A. No, I don't know. Q. You never found out if he ever tried to use the shield to get into the building? A. No. Q. Did anybody tell you that shield
2 3 4 5 6 7 8 9	M. Visconti he did, in fact, work there? A. Yes. MS. PRIVETERRE: Objection to the form. Q. And that is because you felt the ID was valid? MS. PRIVETERRE: Which ID? MR. ZELMAN: The Transit	2 3 4 5 6 7 8 9	M. Visconti you don't know? A. No, I don't know. Q. You never found out if he ever tried to use the shield to get into the building? A. No. Q. Did anybody tell you that shield was forged at 26 Federal Plaza, did anybody
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	M. Visconti he did, in fact, work there? A. Yes. MS. PRIVETERRE: Objection to the form. Q. And that is because you felt the ID was valid? MS. PRIVETERRE: Which ID? MR. ZELMAN: The Transit Authority ID. MS. PRIVETERE: Is that correct? THE WITNESS: Yes. Q. When you arrested Mr. Dikler, did you feel that he had any intent to deceive anybody about the fact that he worked at the Transit Authority? MS. PRIVETERRE: Objection to the form. He is not a mind reader. What are you asking? MR. ZELMAN: You could object to the form, but you can't ask questions. That is all you could do.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	M. Visconti you don't know? A. No, I don't know. Q. You never found out if he ever tried to use the shield to get into the building? A. No. Q. Did anybody tell you that shield was forged at 26 Federal Plaza, did anybody that day tell you that this shield was forged? A. No. Q. It was your decision? A. Well, the question my decision, you mean based on what? Q. Based upon your investigation that the shield was forged. A. Yes. Q. Did anyone participate in that decision and tell you, I think it is forged, or I don't think it is forged? MS. PRIVETERRE: Objection to the form. A. I don't understand question.

Page 34  1 M. Visconti 1 M. Visconti	Page 36
2 about whether or not the shield was forged? 2 A. Yes.	
3 MS. PRIVETERRE: When? 3 Q. What was that?	
4 MR. ZELMAN: On March 22. 4 A. Bus drivers do not he	ave shields.
5 MS. PRIVETERRE: The whole day? 5 Q. Where did you learn	ı that
6 MR. ZELMAN: The whole day. 6 information from?	
7 MS. PRIVETERRE: The whole day 7 A. I had spoken to som	eone at the
8 before the arrest? 8 MTA.	
9 MR. ZELMAN: The whole day. 9 Q. So you personally kr	new that hus
10 A. Yes. 10 drivers were not supposed to h	
<u> </u>	idve sineids:
	aa naraan uuba
12 A. I don't remember. There were 12 Q. Do you remember the	ie person who
13 several people there. 13 told you that?	
14 Q. When you say there, do you mean 14 A. No.	
15 at 26 Federal Plaza? 15 Q. Before you arrested	
16 A. Yes. 16 did you ask him where he got t	this shield?
17 Q. Do you remember if you spoke to 17 A. Me specifically, no.	
18 the NYPD or to someone else? 18 Q. Did you find out who	ere he got
19 A. My partner was with me. 19 the shield before you made the	e arrest?
20 Q. Who is your partner? 20 A. Yes.	
21 A. I don't know who my partner was 21 Q. And how did you fin	d that out?
22 on that day, I am not sure. 22 A. He had made statem	
23 Q. What did he or she say to you? 23 indicating that he purchased it	
, , , , , , , , , , , , , , , , , , , ,	
	at he hau
25 Q. Did it influence you about 25 said?	
Page 35	Page 37
1 M. Visconti 1 M. Visconti	
2 whether or not to perform this arrest? 2 A. Specifically, what I h	nad iust
3 A. No. 3 stated.	•
4 Q. More so than anything else, you 4 Q. Which was what?	
5 did this arrest because the instruction sheet 5 A. He purchased it from	n comeone
	1 Someone
· · · · · · · · · · · · · · · · · · ·	ara ha had
7 particular shield? 7 Q. Did you find out whe	ere ne nau
8 MS. PRIVETERRE: Please read 8 purchased it?	
9 back the question. 9 A. No.	1
The requested portion of the Q. Do you know if he p	urchased it
11 record was read.] 11 on MTA property or not?	
12 MS. PRIVETERRE: Objection to 12 A. I don't know.	
13 the form. 13 Q. Is it true, the fact th	at Mr.
14 MR. ZELMAN: That is all you 14 Dikler worked at the Transit Au	ithority had no
15 could say. 15 bearing on whether or not he v	-
16 MS. PRIVETERRE: More or less, 16 arrested on that day?	- <del>-</del>
do you understand what the question is 17 MS. PRIVETERRE: C	Objection to
18 asking or purports to ask? 18 the form.	
19 THE WITNESS: Yes, but it is 19 You could answer if y	/OU
20 kind of general. 20 understand the question.	, <del></del>
	tand it
21 Q. Other than instructions you got 21 A. I don't really underst	
22 from the instruction sheet, was there any 22 Q. The fact that he wor	
23 other factor which you used to make a 23 MTA or at the Transit Authority	was irrelevant
24 determination to do the arrest with Mr. 24 to this arrest; is that correct?	
25 Dikler? 25 MS. PRIVETERRE: C	NI

	Page 38		Page 40
1	M. Visconti	1	M. Visconti
2	the form.	2	MS. PRIVETERRE: Objection to
3	A. How do you mean that?	3	the form.
4	Q. When you made the arrest, it was	4	A. Specifically?
5	not your claim that he was not working at the	5	Q. Yes.
6	Transit Authority and trying to trick people	6	<ul> <li>A. You would have to rephrase the</li> </ul>
7	into believing that he was working at the	7	question.
8	Transit Authority; is that correct?	8	Q. When the Federal Protective
9	MR. SILVERMAN: Objection to	9	Service was called, were they telling you they
10	the form.	10	wanted to do an arrest or that the NYPD should
11	MS. PRIVETERRE: Objection to	11	investigate whether or not to do an arrest?
12	the form.	12	MS. PRIVETERRE: Do you
13	Could you rephrase that, please,	13	understand what is being asked?
14	Mr. Zelman?	14	A. If you could rephrase the
15	MR. ZELMAN: I will withdraw	15	question, I'm sorry.
16	the question.	16	Q. When the Federal Protective
17	Q. Do you know if every badge that	17	Service was called
18	went through 26 Federal Plaza was	18	A. Yes.
19	investigated?	19	Q what would they say?
20	MS. PRIVETERRE: At what time	20	A. In general, there is someone
21	frame?	21	here with a forged shield.
22	MR. ZELMAN: At any time.	22	Q. They would say it is forged?
23	MS. PRIVETERRE: The time frame	23	A. Yes.
24	that he had been called there?	24	Q. Do you know how they made a
25	MR. ZELMAN: Let's say in 2006.	25	determination it was forged?
	Page 39		Page 41
1	M. Visconti	1	M. Visconti
2	Were you aware of a policy in	2	MS DRIVETEDDE: Again we are

{ 23		PIR. ZEEPIAN. Lee's say in 2000.	25	ueterriii	lation it was lorged:
		Page 39			Page 41
1		M. Visconti	1		M. Visconti
2	Q.	Were you aware of a policy in	2		MS. PRIVETERRE: Again, we are
3	Federal F	Plaza that all badges had to be	3	talki	ing about generally and not about
4	investiga	ted?	4	the	Dikler arrest?
5	Α.	Yes.	5		MR. ZELMAN: Right.
6	Q.	When did you become aware of	6		MR. SILVERMAN: Objection to
7	that?		7	the	form.
8	Α.	I don't remember.	8	Q.	Generally speaking.
9	Q.	What did you become aware of?	9	Α.	They were trained.
10	A.	They would notify us if someone	10	Q.	You didn't speak to the Federal
11		d to be in possession of a shield.	11		e Services over the phone while you
12	Q.	When you say they, who are you	12	were at	internal affairs; is that correct?
13	referring		13		MS. PRIVETERRE: Objection to
14	Α.	26 Federal Plaza.	14	the	form.
15	Q.	Who at 26 Federal Plaza would	15	Α.	On what date?
16	tell you t		16	Q.	
17	Α.	Federal Protective Service.	17	Α.	I don't think I spoke to them.
18	Q.	Was the Federal Protective	18	Q.	When you arrived at 26 Federal
19		alled up in the NYPD or would they	19		d you speak to someone at the federal
20	-	ternal affairs?	20	agency?	
21	Α.	Yes.	21	Α.	Yes.
. 22	Q.	Would they tell internal affairs	22	Q.	Who?
23		here a fake badge or we have a badge	23	Α.	I don't remember.
24		vant you to look into or something	24	Q.	What did that person tell you?
25	else?		25	Α.	Mr. Dikler had gone through a
			1		

1			D 44
1	Page 42 M. Visconti	1	Page 44 M. Visconti
2	metal detector at the entrance and it was in	2	Plaza, did you just put him in handcuffs?
_		3	A. No.
3	the pocket of a jacket, the shield that he had	4	Q. Did you investigate the badge?
4	in his possession.  O. Did the Federal Protective	5	
5	•		Did you look at the badge?  A. Yes.
6	Service tell you it was a forged shield?	6	
7	A. Yes.	7	Q. What else did you do besides
8	Q. Did you ask them why they	8	look at it?
9	thought it was forged?	9	A. I don't know what you mean, what
10	MR. SILVERMAN: Objection to	10	else?
11	the form.	11	Q. You don't know what I mean?
12	MS. PRIVETERRE: I join.	12	A. No. Are you
13	Do you understand the question?	13	MS. PRIVETERRE: No, no, no,
14	A. If you could rephrase it.	14	you already told him you don't
15	Q. Did you ask him why he thought	15	understand what he means. Let him
16	that the shield was forged?	16	rephrase it.
17	MS. PRIVETERRE: Are you	17	Q. When you got to 26 Federal
18	talking about the Federal Protective	18	Plaza, before you placed Mr. Dicker under
19	Service agency?	19	arrest, did you investigate the badge to
20	MR. ZELMAN: Yes.	20	determine whether or not it was forged or not?
21	MS. PRIVETERRE: Agency?	21	A. Yes.
22	MR. ZELMAN: Yes.	22	Q. How?
23	A. I don't remember.	23	<ol> <li>A. Simply by looking at it.</li> </ol>
24	Q. When you got to the scene it was	24	Q. Anything else?
25	your determination to make about whether or	25	A. No.
-	D		Page 45
1	Page 43 M. Visconti	1	Page 45 M. Visconti
2	not it was forged?	2	Q. And you could tell by looking at
3	-	_	Q: And you could cell by looking ac
	A VAC	1 3	
	A. Yes.  MS_DRIVETERRE: Objection to	3	it that it was a forged badge?
4	MS. PRIVETERRE: Objection to	4	it that it was a forged badge?  A. Yes.
4 5	MS. PRIVETERRE: Objection to the form.	4 5	it that it was a forged badge?  A. Yes. Q. Why is that?
4 5 6	MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure	4 5 6	it that it was a forged badge?  A. Yes. Q. Why is that? A. The specific shape of the badge
4 5 6 7	MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26	4 5 6 7	it that it was a forged badge?  A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it.
4 5 6 7 8	MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular	4 5 6 7 8	it that it was a forged badge?  A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of
4 5 6 7 8 9	MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge?	4 5 6 7 8 9	it that it was a forged badge?  A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it?
4 5 6 7 8 9	MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes.	4 5 6 7 8 9	it that it was a forged badge?  A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it?  A. Again, I don't recall
4 5 6 7 8 9 10	MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes. Q. Go ahead.	4 5 6 7 8 9 10	it that it was a forged badge?  A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it?  A. Again, I don't recall specifically. It was something about the
4 5 6 7 8 9 10 11 12	MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes. Q. Go ahead. A. Mr. Dikler was placed in	4 5 6 7 8 9 10 11	it that it was a forged badge?  A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it? A. Again, I don't recall specifically. It was something about the Transit Authority.
4 5 6 7 8 9 10 11 12 13	MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes. Q. Go ahead. A. Mr. Dikler was placed in handcuffs, he was removed to the 5th Precinct	4 5 6 7 8 9 10 11 12 13	it that it was a forged badge?  A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it?  A. Again, I don't recall specifically. It was something about the Transit Authority. Q. Do you recall if that was the
4 5 6 7 8 9 10 11 12 13 14	MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes. Q. Go ahead. A. Mr. Dikler was placed in handcuffs, he was removed to the 5th Precinct where pedigree information was taken, and an	4 5 6 7 8 9 10 11 12 13	it that it was a forged badge?  A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it?  A. Again, I don't recall specifically. It was something about the Transit Authority. Q. Do you recall if that was the first arrest that you made with respect to a
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4 5 6 7 8 9 10 11 12 13 14 15 16 17	MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes. Q. Go ahead. A. Mr. Dikler was placed in handcuffs, he was removed to the 5th Precinct where pedigree information was taken, and an online booking sheet was prepared. There was a complaint report prepared, he was fingerprinted and taken to Manhattan Central	4 5 6 7 8 9 10 11 12 13 14 15 16 17	it that it was a forged badge?  A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it?  A. Again, I don't recall specifically. It was something about the Transit Authority. Q. Do you recall if that was the first arrest that you made with respect to a Transit Authority badge?  A. I am not sure. Q. It is possible that there were
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes. Q. Go ahead. A. Mr. Dikler was placed in handcuffs, he was removed to the 5th Precinct where pedigree information was taken, and an online booking sheet was prepared. There was a complaint report prepared, he was fingerprinted and taken to Manhattan Central Booking. I spoke with the Manhattan DA	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	it that it was a forged badge?  A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it?  A. Again, I don't recall specifically. It was something about the Transit Authority. Q. Do you recall if that was the first arrest that you made with respect to a Transit Authority badge? A. I am not sure. Q. It is possible that there were prior arrests?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes. Q. Go ahead. A. Mr. Dikler was placed in handcuffs, he was removed to the 5th Precinct where pedigree information was taken, and an online booking sheet was prepared. There was a complaint report prepared, he was fingerprinted and taken to Manhattan Central Booking. I spoke with the Manhattan DA Q. What I was really referring to	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	it that it was a forged badge?  A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it?  A. Again, I don't recall specifically. It was something about the Transit Authority. Q. Do you recall if that was the first arrest that you made with respect to a Transit Authority badge? A. I am not sure. Q. It is possible that there were prior arrests?  MS. PRIVETERRE: Objection.
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes. Q. Go ahead. A. Mr. Dikler was placed in handcuffs, he was removed to the 5th Precinct where pedigree information was taken, and an online booking sheet was prepared. There was a complaint report prepared, he was fingerprinted and taken to Manhattan Central Booking. I spoke with the Manhattan DA Q. What I was really referring to was prior to the arrest, can you describe anything that you did or investigated about this badge before you made the decision to	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	it that it was a forged badge?  A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it?  A. Again, I don't recall specifically. It was something about the Transit Authority. Q. Do you recall if that was the first arrest that you made with respect to a Transit Authority badge? A. I am not sure. Q. It is possible that there were prior arrests?  MS. PRIVETERRE: Objection. A. I am not sure. Q. How about after this arrest, did you arrest any other Transit Authority
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes. Q. Go ahead. A. Mr. Dikler was placed in handcuffs, he was removed to the 5th Precinct where pedigree information was taken, and an online booking sheet was prepared. There was a complaint report prepared, he was fingerprinted and taken to Manhattan Central Booking. I spoke with the Manhattan DA Q. What I was really referring to was prior to the arrest, can you describe anything that you did or investigated about this badge before you made the decision to place Mr. Dikler under arrest?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	it that it was a forged badge?  A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it?  A. Again, I don't recall specifically. It was something about the Transit Authority. Q. Do you recall if that was the first arrest that you made with respect to a Transit Authority badge? A. I am not sure. Q. It is possible that there were prior arrests?  MS. PRIVETERRE: Objection. A. I am not sure. Q. How about after this arrest, did you arrest any other Transit Authority employees for carrying a badge?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	MS. PRIVETERRE: Objection to the form. Q. Can you describe the procedure that you went through after you got through 26 Federal Plaza investigating this particular badge? A. Yes. Q. Go ahead. A. Mr. Dikler was placed in handcuffs, he was removed to the 5th Precinct where pedigree information was taken, and an online booking sheet was prepared. There was a complaint report prepared, he was fingerprinted and taken to Manhattan Central Booking. I spoke with the Manhattan DA Q. What I was really referring to was prior to the arrest, can you describe anything that you did or investigated about this badge before you made the decision to place Mr. Dikler under arrest? A. I don't understand the question.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	it that it was a forged badge?  A. Yes. Q. Why is that? A. The specific shape of the badge and what it said on the face of it. Q. When did it say on the face of it?  A. Again, I don't recall specifically. It was something about the Transit Authority. Q. Do you recall if that was the first arrest that you made with respect to a Transit Authority badge? A. I am not sure. Q. It is possible that there were prior arrests?  MS. PRIVETERRE: Objection. A. I am not sure. Q. How about after this arrest, did you arrest any other Transit Authority employees for carrying a badge? A. No, I don't believe so.
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1	Page 46 M. Visconti	1	Page 48 M. Visconti
2	possession of the badge? Did someone hand it	2	Q. Are you talking about your memo
3	to you?	3	book?
4	A. I don't remember.	4	A. No.
5	Q. Do you remember if you saw it on	5	Q. What type of notes are you
6	a desk?	6	talking about?
7	A. I don't remember.	7	A. Arrest paperwork.
8	Q. Did you ever speak to Mr. Dikler	8	Q. In other words it's what you
9	about the badge?	9	would enter on the computer?
10	A. Yes.	10	MS. PRIVETERRE: Is that a
11	Q. What did you ask him?	11	question?
12	A. I don't remember.	12	MR. ZELMAN: Yes.
13	Q. Do you remember what he	13	Q. I am asking you what type of
14	responded?	14	notes were these? Were these handwritten
15	A. I don't remember.	15	notes?
16	Q. Do you have any memo book notes	16	A. Yes.
17	that would assist you in determining that?	17	Q. What do you do with the
18	A. No.	18	handwritten notes after the arrest?
19	Q. Any other documentation that	19	A. It stays with the folder.
20	would assist you in determining what Mr.	20	Q. So it is in the folder at the
21	Dikler told you?	21	internal affairs bureau?
22	A. No.	22	A. Yes.
23	Q. Do you recall if he told you	23	Q. Did you look at that in
24	that he worked at the MTA?	24	preparation for today's deposition?
25	A. Yes.	25	A. Yes.
<del>}</del>			
1	Page 47	1	Page 49
1	M. Visconti	1	M. Visconti
2	M. Visconti Q. Do you recall anything else that	2	M. Visconti Q. But you did not bring it with
2	M. Visconti Q. Do you recall anything else that he said?	2 3	M. Visconti Q. But you did not bring it with you?
2 3 4	M. Visconti Q. Do you recall anything else that he said? A. No.	2 3 4	M. Visconti Q. But you did not bring it with you? A. No.
2 3 4 5	M. Visconti Q. Do you recall anything else that he said? A. No. Q. You accompanied Mr. Dikler back	2 3 4 5	M. Visconti Q. But you did not bring it with you? A. No. Q. What is contained in the
2 3 4 5 6	M. Visconti Q. Do you recall anything else that he said? A. No. Q. You accompanied Mr. Dikler back to the precinct?	2 3 4 5 6	M. Visconti Q. But you did not bring it with you? A. No. Q. What is contained in the internal affairs folder?
2 3 4 5 6 7	M. Visconti Q. Do you recall anything else that he said? A. No. Q. You accompanied Mr. Dikler back to the precinct? A. Yes.	2 3 4 5 6 7	M. Visconti Q. But you did not bring it with you? A. No. Q. What is contained in the internal affairs folder? A. You have to rephrase that
2 3 4 5 6 7 8	M. Visconti Q. Do you recall anything else that he said? A. No. Q. You accompanied Mr. Dikler back to the precinct? A. Yes. Q. Did he have to make a phone	2 3 4 5 6 7 8	M. Visconti Q. But you did not bring it with you? A. No. Q. What is contained in the internal affairs folder? A. You have to rephrase that question.
2 3 4 5 6 7 8	M. Visconti Q. Do you recall anything else that he said? A. No. Q. You accompanied Mr. Dikler back to the precinct? A. Yes. Q. Did he have to make a phone call?	2 3 4 5 6 7 8 9	M. Visconti Q. But you did not bring it with you? A. No. Q. What is contained in the internal affairs folder? A. You have to rephrase that question. Q. You have an internal affairs
2 3 4 5 6 7 8 9	M. Visconti Q. Do you recall anything else that he said? A. No. Q. You accompanied Mr. Dikler back to the precinct? A. Yes. Q. Did he have to make a phone call? A. I don't remember.	2 3 4 5 6 7 8 9	M. Visconti Q. But you did not bring it with you? A. No. Q. What is contained in the internal affairs folder? A. You have to rephrase that question. Q. You have an internal affairs folder on Mr. Dikler; is that correct?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	M. Visconti Q. Do you recall anything else that he said? A. No. Q. You accompanied Mr. Dikler back to the precinct? A. Yes. Q. Did he have to make a phone call? A. I don't remember. Q. Do you recall telling Mr. Dikler that it is better for him to call in sick rather than to say he was arrested? A. No. Q. Do you deny that you said that? A. Yes. Q. Did you speak to Special Agent Thomas Mahoney about this arrest? A. I don't remember. Q. Is there anything that you could review that would assist you in determining whether you spoke to him or not? A. My notes, maybe.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	M. Visconti Q. But you did not bring it with you? A. No. Q. What is contained in the internal affairs folder? A. You have to rephrase that question. Q. You have an internal affairs folder on Mr. Dikler; is that correct? A. Internal affairs folder is not really the right term, it is a broad term. Q. How would you define it? A. There are all different types of folders. Q. The folders that you looked at today or yesterday refer to Mr. Dikler; is that correct? A. Yes. Q. What type of folder is that? A. In this particular case it is an online booking, so there are some notes and an affidavit.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	M. Visconti Q. Do you recall anything else that he said? A. No. Q. You accompanied Mr. Dikler back to the precinct? A. Yes. Q. Did he have to make a phone call? A. I don't remember. Q. Do you recall telling Mr. Dikler that it is better for him to call in sick rather than to say he was arrested? A. No. Q. Do you deny that you said that? A. Yes. Q. Did you speak to Special Agent Thomas Mahoney about this arrest? A. I don't remember. Q. Is there anything that you could review that would assist you in determining whether you spoke to him or not?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	M. Visconti Q. But you did not bring it with you? A. No. Q. What is contained in the internal affairs folder? A. You have to rephrase that question. Q. You have an internal affairs folder on Mr. Dikler; is that correct? A. Internal affairs folder is not really the right term, it is a broad term. Q. How would you define it? A. There are all different types of folders. Q. The folders that you looked at today or yesterday refer to Mr. Dikler; is that correct? A. Yes. Q. What type of folder is that? A. In this particular case it is an online booking, so there are some notes and an

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,		Page 50 M. Visconti	1	Page 52 M. Visconti
1	^			
`2 i3	Q.	What is the name of that folder? folder have a name?	2	paperwork at the internal affairs office?  A. Yes.
			4	A. Yes. O. You indicated that there is
4	Α.	No.		•
5	Q.	Does it say "Mr. Dikler" on it?	5	something from the Federal Protective agency;
6 7	Α.	I have my own folder.	6	is that it?
1	Q.	So this is your own personal	7	MS. PRIVETERRE: Objection to
8		t at internal affairs?	8	the form.
9	Α.	Yes.	9	Q. What is the name of the federal
10	Q.	Whose affidavit is this in that	10	agency?
11	folder?	7 4144	11	A. I am not certain. I believe it
12	Α.	I don't understand.	12	is Federal Protective Service.
13	Q.	You said you looked at an	13	Q. You indicated just now there is
14		n the folder; is that right?	14	a document in the folder from the Federal
15	Α.	Yes.	15	Protective Service.
16	Q.	Who signed the affidavit?	16	Was that a document referring to
17	Α.	I did.	17	Mr. Dikler himself or just generally about
18	Q.	What did the affidavit state?	18	shields and badges?
19	Α.	I don't remember specifically.	19	A. You have to rephrase that
20	Q.	In general, what was it about?	20	question.
21	Α.	It was in reference to the	21	Q. Did that document that you just
22	shield.		22	referred to from the Federal Protective
23	Q.	What did it say about the	23	Service relate to Mr. Dikler specifically?
24	shield?		24	Did it list his name?
25	A.	It was a forged shield.	25	A. Yes, in regard to this incident.
		Page 51		Page 53
1		Page 51 M. Visconti	1	Page 53 M. Visconti
1 2	Q.	M. Visconti	1 2	M. Visconti
	_	M. Visconti Is there anything else in the		<ul><li>M. Visconti</li><li>Q. So it was a document prepared</li></ul>
2	_	M. Visconti Is there anything else in the besides it was a forged shield?	2	M. Visconti
2	affidavit i	M. Visconti Is there anything else in the	2 3	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and
2 3 4	affidavit l	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name.	2 3 4	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest?
2 3 4 5	affidavit i A. Q.	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name?	2 3 4 5	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest? A. Yes.
2 3 4 5 6 7	affidavit l A. Q. A. nature.	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that	2 3 4 5 6 7	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest? A. Yes. MS. PRIVETERRE: Why don't you
2 3 4 5 6	affidavit i A. Q. A.	M. Visconti Is there anything else in the pesides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that How many pages is the affidavit?	2 3 4 5 6	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest? A. Yes. MS. PRIVETERRE: Why don't you show him the initial disclosure.
2 3 4 5 6 7 8	affidavit i A. Q. A. nature. Q.	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that	2 3 4 5 6 7 8	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest? A. Yes. MS. PRIVETERRE: Why don't you show him the initial disclosure. MR. ZELMAN: Relax. You could
2 3 4 5 6 7 8 9	affidavit i A. Q. A. nature. Q. A. Q.	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that How many pages is the affidavit? I think it is less than a page.	2 3 4 5 6 7 8	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest? A. Yes. MS. PRIVETERRE: Why don't you show him the initial disclosure. MR. ZELMAN: Relax. You could show him before the deposition is
2 3 4 5 6 7 8 9	affidavit i A. Q. A. nature. Q. A. Q.	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that How many pages is the affidavit? I think it is less than a page. When you say who you spoke to,	2 3 4 5 6 7 8 9	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest? A. Yes. MS. PRIVETERRE: Why don't you show him the initial disclosure. MR. ZELMAN: Relax. You could show him before the deposition is finished whatever you want.
2 3 4 5 6 7 8 9 10 11 12	affidavit in A. Q. A. nature. Q. A. Q. do you m	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that How many pages is the affidavit? I think it is less than a page. When you say who you spoke to,	2 3 4 5 6 7 8 9 10 11 12	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest? A. Yes. MS. PRIVETERRE: Why don't you show him the initial disclosure. MR. ZELMAN: Relax. You could show him before the deposition is finished whatever you want. MS. PRIVETERRE: Are you going to mark it as an exhibit?
2 3 4 5 6 7 8 9 10 11 12 13	affidavit in A. Q. A. nature. Q. A. Q. do you marrest? A.	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that How many pages is the affidavit? I think it is less than a page. When you say who you spoke to, the mean who you spoke to in regard to the Yes.	2 3 4 5 6 7 8 9 10 11 12 13	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest?  A. Yes.  MS. PRIVETERRE: Why don't you show him the initial disclosure.  MR. ZELMAN: Relax. You could show him before the deposition is finished whatever you want.  MS. PRIVETERRE: Are you going to mark it as an exhibit?  MR. ZELMAN: Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14	affidavit A. Q. A. nature. Q. A. Q. do you marrest?	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that How many pages is the affidavit? I think it is less than a page. When you say who you spoke to, the sean who you spoke to in regard to the Yes. What was contained in your notes	2 3 4 5 6 7 8 9 10 11 12 13 14	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest?  A. Yes.  MS. PRIVETERRE: Why don't you show him the initial disclosure.  MR. ZELMAN: Relax. You could show him before the deposition is finished whatever you want.  MS. PRIVETERRE: Are you going to mark it as an exhibit?  MR. ZELMAN: Yes. Q. Did you speak to Police Officer
2 3 4 5 6 7 8 9 10 11 12 13 14 15	affidavit in A. Q. A. nature. Q. A. Q. do you marrest? A. Q. in that fo	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that How many pages is the affidavit? I think it is less than a page. When you say who you spoke to, lean who you spoke to in regard to the Yes. What was contained in your notes lider?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest?  A. Yes.  MS. PRIVETERRE: Why don't you show him the initial disclosure.  MR. ZELMAN: Relax. You could show him before the deposition is finished whatever you want.  MS. PRIVETERRE: Are you going to mark it as an exhibit?  MR. ZELMAN: Yes. Q. Did you speak to Police Officer Frank Torres about this arrest?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	affidavit in A. Q. A. nature. Q. A. Q. do you marrest? A. Q. in that for A.	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that  How many pages is the affidavit? I think it is less than a page. When you say who you spoke to, lean who you spoke to in regard to the  Yes. What was contained in your notes lider? An online booking sheet,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest?  A. Yes.  MS. PRIVETERRE: Why don't you show him the initial disclosure.  MR. ZELMAN: Relax. You could show him before the deposition is finished whatever you want.  MS. PRIVETERRE: Are you going to mark it as an exhibit?  MR. ZELMAN: Yes. Q. Did you speak to Police Officer Frank Torres about this arrest? A. I don't know.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	affidavit in A. Q. A. nature. Q. A. Q. do you marrest? A. Q. in that fo A. affidavit,	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that How many pages is the affidavit? I think it is less than a page. When you say who you spoke to, lean who you spoke to in regard to the Yes. What was contained in your notes lider? An online booking sheet, the handwritten notes, the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest?  A. Yes.  MS. PRIVETERRE: Why don't you show him the initial disclosure.  MR. ZELMAN: Relax. You could show him before the deposition is finished whatever you want.  MS. PRIVETERRE: Are you going to mark it as an exhibit?  MR. ZELMAN: Yes. Q. Did you speak to Police Officer Frank Torres about this arrest?  A. I don't know. Q. Do you know if he was involved
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	affidavit A. Q. A. nature. Q. A. Q. do you marrest? A. Q. in that fo A. affidavit, paperwood	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that  How many pages is the affidavit? I think it is less than a page. When you say who you spoke to, lean who you spoke to in regard to the  Yes. What was contained in your notes lder? An online booking sheet, the handwritten notes, the k from the Federal Protective Service	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest?  A. Yes.  MS. PRIVETERRE: Why don't you show him the initial disclosure.  MR. ZELMAN: Relax. You could show him before the deposition is finished whatever you want.  MS. PRIVETERRE: Are you going to mark it as an exhibit?  MR. ZELMAN: Yes. Q. Did you speak to Police Officer Frank Torres about this arrest?  A. I don't know. Q. Do you know if he was involved in the arrest in any manner?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	affidavit A. Q. A. nature. Q. A. Q. do you marrest? A. Q. in that fo A. affidavit, paperwor in regard	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that  How many pages is the affidavit? I think it is less than a page. When you say who you spoke to, lean who you spoke to in regard to the  Yes. What was contained in your notes lider? An online booking sheet, the handwritten notes, the lek from the Federal Protective Service to the shield. A central booking	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest?  A. Yes.  MS. PRIVETERRE: Why don't you show him the initial disclosure.  MR. ZELMAN: Relax. You could show him before the deposition is finished whatever you want.  MS. PRIVETERRE: Are you going to mark it as an exhibit?  MR. ZELMAN: Yes. Q. Did you speak to Police Officer Frank Torres about this arrest?  A. I don't know. Q. Do you know if he was involved in the arrest in any manner?  A. No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	affidavit in A. Q. A. nature. Q. A. Q. do you marrest? A. Q. in that for A. affidavit, paperwork in regard photo.	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that  How many pages is the affidavit? I think it is less than a page. When you say who you spoke to, lean who you spoke to in regard to the  Yes. What was contained in your notes lider? An online booking sheet, the handwritten notes, the lek from the Federal Protective Service to the shield. A central booking think that is probably about it.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest?  A. Yes.  MS. PRIVETERRE: Why don't you show him the initial disclosure.  MR. ZELMAN: Relax. You could show him before the deposition is finished whatever you want.  MS. PRIVETERRE: Are you going to mark it as an exhibit?  MR. ZELMAN: Yes. Q. Did you speak to Police Officer Frank Torres about this arrest?  A. I don't know. Q. Do you know if he was involved in the arrest in any manner?  A. No. Q. Sergeant Robert Allay, did you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	affidavit fa.  Q. A. nature. Q. A. Q. do you marrest? A. Q. in that fo. A. affidavit, paperword in regard photo. Maybe a	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that  How many pages is the affidavit? I think it is less than a page. When you say who you spoke to, lean who you spoke to in regard to the  Yes. What was contained in your notes lder? An online booking sheet, the handwritten notes, the lek from the Federal Protective Service to the shield. A central booking think that is probably about it. few other — that is about it.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest?  A. Yes.  MS. PRIVETERRE: Why don't you show him the initial disclosure.  MR. ZELMAN: Relax. You could show him before the deposition is finished whatever you want.  MS. PRIVETERRE: Are you going to mark it as an exhibit?  MR. ZELMAN: Yes. Q. Did you speak to Police Officer Frank Torres about this arrest?  A. I don't know. Q. Do you know if he was involved in the arrest in any manner?  A. No. Q. Sergeant Robert Allay, did you speak to him about the arrest in any way?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	affidavit in A. Q. A. nature. Q. A. Q. do you marrest? A. Q. in that fo A. affidavit, paperwork in regard photo. Maybe a Q.	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that  How many pages is the affidavit? I think it is less than a page. When you say who you spoke to, lean who you spoke to in regard to the  Yes. What was contained in your notes lder? An online booking sheet, the handwritten notes, the k from the Federal Protective Service to the shield. A central booking think that is probably about it. few other that is about it. You have that information held	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest?  A. Yes.  MS. PRIVETERRE: Why don't you show him the initial disclosure.  MR. ZELMAN: Relax. You could show him before the deposition is finished whatever you want.  MS. PRIVETERRE: Are you going to mark it as an exhibit?  MR. ZELMAN: Yes. Q. Did you speak to Police Officer Frank Torres about this arrest?  A. I don't know. Q. Do you know if he was involved in the arrest in any manner?  A. No. Q. Sergeant Robert Allay, did you speak to him about the arrest in any way?  A. I don't know.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	affidavit A. Q. A. nature. Q. A. Q. do you marrest? A. Q. in that fo A. affidavit, paperwor in regard photo. Maybe a Q. at the int	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that  How many pages is the affidavit? I think it is less than a page. When you say who you spoke to, lean who you spoke to in regard to the  Yes. What was contained in your notes lider? An online booking sheet, the handwritten notes, the lek from the Federal Protective Service to the shield. A central booking think that is probably about it. few other — that is about it. You have that information held ernal affairs office?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest?  A. Yes.  MS. PRIVETERRE: Why don't you show him the initial disclosure.  MR. ZELMAN: Relax. You could show him before the deposition is finished whatever you want.  MS. PRIVETERRE: Are you going to mark it as an exhibit?  MR. ZELMAN: Yes. Q. Did you speak to Police Officer Frank Torres about this arrest?  A. I don't know. Q. Do you know if he was involved in the arrest in any manner?  A. No. Q. Sergeant Robert Allay, did you speak to him about the arrest in any way?  A. I don't know. Q. Do you know if he was involved
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	affidavit in A. Q. A. nature. Q. A. Q. do you marrest? A. Q. in that fo A. affidavit, paperwork in regard photo. Maybe a Q.	M. Visconti Is there anything else in the besides it was a forged shield? Who I spoke to and his name. Mr. Dikler's name? Yes, in general, things of that  How many pages is the affidavit? I think it is less than a page. When you say who you spoke to, lean who you spoke to in regard to the  Yes. What was contained in your notes lder? An online booking sheet, the handwritten notes, the k from the Federal Protective Service to the shield. A central booking think that is probably about it. few other that is about it. You have that information held	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	M. Visconti Q. So it was a document prepared specifically about Mr. Dikler's shield and arrest?  A. Yes.  MS. PRIVETERRE: Why don't you show him the initial disclosure.  MR. ZELMAN: Relax. You could show him before the deposition is finished whatever you want.  MS. PRIVETERRE: Are you going to mark it as an exhibit?  MR. ZELMAN: Yes. Q. Did you speak to Police Officer Frank Torres about this arrest?  A. I don't know. Q. Do you know if he was involved in the arrest in any manner?  A. No. Q. Sergeant Robert Allay, did you speak to him about the arrest in any way?  A. I don't know.

		Page 54			Page 56
1		M. Visconti	1		M. Visconti
1 2	same que	estion, did you speak to him about this	2	Q.	At any time did you speak to him
3	arrest?		3	about the	e arrest?
4	Α.	He would have probably been my	4	A.	No.
5	partner.		5	Q.	Lieutenant Robert Stapleton, did
6	Q.	Do you recall speaking to him	6	you spea	k to him at all about this arrest?
7	about the	e arrest?	7	A.	I am not even sure who that is.
8	Α.	I don't understand the question.	8	Q.	Did you ever learn what became
9	Q.	Do you recall speaking to him	9	of Mr. Di	kler's prosecution?
10	about thi	is arrest at any time?	10	Α.	Yes.
11	A.	Yes.	11	Q.	What?
12	Q.	When?	12	Α.	It was sealed. Apparently, the
13	Α.	I guess on the date of the	13	arrest wa	as thrown out of court.
14	arrest.		14	Q.	When did you first learn that
15	Q.	At any other time did you speak	15	informati	on?
16	to him or	r was it only on that date?	16	Α.	When I found out I was being
17	Α.	I don't understand the question.	17	sued.	
18	Q.	At any other time did you speak	18	Q.	You indicated earlier that you
19	to Detect	tive Gregory McCain about Mr. Dikler's	19	spoke to	the DA about the case on March 22.
20	arrest oti	her than on March 22, 2006?	20	Α.	Yes.
21	Α.	Yes.	21	Q.	Was that the last time you spoke
22	Q.	When?	22	to the DA	A about the case?
23	Α.	Everybody in my office probably	23	Α.	Yes.
24	knew I w	vas getting sued.	24	Q.	Were you ever called to testify
25	Q.	I guess my question is this, on	25	in court?	
		Page 55			Page 57
1		M. Visconti	1		M. Visconti
2	March 22	2, 2006, what did you speak to him	2	A.	I don't remember.

25	Q.	I guess my question is this, on	25	in court?	
		Page 55			Page 57
1		M. Visconti	1		M. Visconti
2	March 22	, 2006, what did you speak to him	2	A.	I don't remember.
3	about?		3	Q.	Did the DA tell you anything
4	Α.	I don't remember.	4	about the	
5		MS. PRIVETERRE: That is a	5	A.	Not that I remember.
6	differ	rent question now.	6	Q.	The DA had you sign a criminal
7	Q.	You don't recall anything he	7	court com	nplaint?
8	said abou	ıt this?	8	A.	Yes.
9	Α.	No, I don't recall.	9	Q.	Did you review that before you
10	Q.	Do you know if Detective Gregory	10	signed it?	
11	McCain w	vas involved in the arrest in any way	11	A.	Yes.
12		n the fact you spoke to him about it?	12	Q.	Mr. Dikler, do you recall if he
13	Did he pr	repare any paperwork on it, if you	13	came with	n anyone to 26 Federal Plaza?
14	know?		14		MS. PRIVETERRE: Do you know
15	Α.	If he was my partner he might	15	that?	
16		e some of the paperwork for me, and	16	Α.	I was told that he did, yes.
17	entered i	t into the computer.	17	Q.	Do you recall if he was allowed
18	Q.	Do you know if he did that?	18	to go to h	is appointment before his arrest?
19	Α.	Probably, but I am not sure.	19		MR. SILVERMAN: Note my
20	Q.	Detective Mark DaTorro, does	20	objec	tion to the form.
21	that nam	e sound familiar to you?	21	Α.	I don't remember.
22	Α.	He is a sergeant.	22	Q.	Do you know if it was the policy
23	Q.	Did you speak to him on March	23		eral Plaza to confiscate the badge,
24	22, at an	y time about this arrest?	24		the person to go to their
25	Α.	No.	25	immigrati	on appointment and then come back to

	Page 58		Page 60
1	M. Visconti	1	M. Visconti
`2	the office?	2	MS. PRIVETERRE: He is asking
3	MS. PRIVETERRE: Objection to	3	you, specifically.
4	the form. Are you aware of what the	4	MR. ZELMAN: You cannot stop him
5	policy of 26 Federal Plaza is?	5	from answering a question.
6	THE WITNESS: Specifically, no.	6	If this happens one more time, I
7	MR. ZELMAN: Counsel, you	7	am calling the judge. You cannot jump
8	cannot suggest an answer, you could only	8	in and give him your two cents.
9	object.	9	MS. PRIVETERRE: Yes or no? Do
10	Q. Are you aware if Mr. Dikler was	10	you understand the question?
11	allowed to go to his appointment on March 22,	11	[The requested portion of the
12	2006?	12	record was read.]
13	MR. SILVERMAN: Note my	13	MR. ZELMAN: This is the last
14	objection to the form.	14	time, counsel. I am warning you, I
15	A. I don't remember.	15	will pick up the phone and I will call.
16	Q. How long after Mr. Dikler	16	MS. PRIVETERRE: We have been
17	arrived at 26 Federal Plaza and his badge was	17	through that before.
18	confiscated, did you arrive at 26 Federal	18	MR. ZELMAN: He is answering
19	Plaza?	19	the question and you cannot interrupt
20	MS. PRIVETERRE: Do you know?	20	me.
21	A. I think it was a few hours.	21	MS. PRIVETERRE: Do what you
22	Q. A few hours?	22	will.
23	A. Yes.	23	MR. ZELMAN: Please read back
24	Q. Where is your office in internal	24	the question and answer.
25	affairs?	25	[The requested portion of the
	dirano.		L
	Page 59		Page 61
1	M. Visconti	1	M. Visconti
2	A. Long Island City.	2	record was read.]
3	Q. Long Island City?	3	MS. PRIVETERRE: Read back the
4	A. Yes.	4	last question and answer again for me,
5	Q. So you had to go from Long	5	please.
6	Island City to 26 Federal Plaza?	6	The requested portion of the
7	A. I don't think I was in my office	7	record was read.]
8	at the time.	8	(Brief recess.)
9	Q. Do you recall where you were	9	Q. Prior to the arrest of Mr.
10	when you received this call?	10	Dikler, did you check his arrest record?
11	A. No.	11	A. No.
12	Q. Do you recall how long it took	12	Q. Do you know if he had ever been
13	you to get to 26 Federal Plaza?	13	arrested before?
14	A. No.	14	A. I am not sure.
15	Q. Do you know if it was more than	15	Q. Were there any phone calls
16	an hour?	16	between you and the DA at any time?
17	A. Not for certain, no.	17	A. Yes.
18	Q. Was it your understanding that	18	Q. How many?
19	Mr. Dikler could go out of the building while	19	A. I don't remember.
20	he was waiting for you to arrive at 26 Federal	20	Q. Phone calls regarding Mr.
21	Plaza, or was it your understanding that he	21	Dikler?
	•	22	A. Yes.
22	was already in custody?	23	
23	A. Generally, when they call us	24	Q. Do you recall the nature of those phone conversations?
24			
24 25	they are already in the building. I don't know if he was really in custody.	25	A. With regard to the arrest?

		1		
	Page 62	Ι.		Page 64
$\frac{1}{2}$	M. Visconti	1	_	M. Visconti
` 2	Q. Specifically.	2	Α.	I don't remember.
3	A. Details of the arrest.	3	Q.	before or after the March 22,
4	<ul> <li>Q. Do you remember any specific</li> </ul>	4	2006 arr	
5	questions that the DA asked?	5	Α.	I am not sure.
6	A. No.	6	Q.	Did you inquire in writing? Did
7	Q. Do you remember any answers that	7	you inqu	ire orally?
8	you gave?	8	Α.	Orally.
9	A. Specifically, no.	9	Q.	You don't recall who you spoke
10	Q. In general.	10	to?	
11	A. No.	11		MS. PRIVETERRE: Objection.
12	Q. Did you call the DA or did the	12	A.	No.
13	DA call you or both?	13	Q.	Do you recall who you called?
14	A. Both.	14	Ā.	The MTA.
15	Q. Was this all on March 22?	15	Q.	Do you remember what the
16	A. I am not sure.	16	_	was that you got?
17	Q. It is possible that you spoke to	17	Α.	Yes.
18	the DA after March 22, regarding Mr. Dikler?	18	Q.	What was it?
19	A. Yes.	19	Ā.	They are not allowed to have
20	Q. Do you think that you did?	20	shields.	,
21	MS. PRIVETERRE: Objection.	21	Q.	But you do not know who said
22	A. You have to rephrase the	22	that?	but you do not know this said
23	question.	23	Α.	No.
24	Q. Do you believe that you did?	24	Q.	And it was not in writing?
25	A. Rephrase the question again in	25	Ą. A.	No.
			- ••	
	Page 63			Page 65
1	Page 63 M. Visconti	1		Page 65 M. Visconti
1 2	M. Visconti regard to that.	Ι.	Q.	
1	M. Visconti	1	-	M. Visconti
2 3 4	M. Visconti regard to that.	1 2 3 4	-	M. Visconti Before you arrested Mr. Dikler,
2 3	M. Visconti regard to that. Q. Do you believe that you spoke to	1 2 3	had you	M. Visconti Before you arrested Mr. Dikler, ever seen a TA employee with a shield?
2 3 4	M. Visconti regard to that. Q. Do you believe that you spoke to the DA with regard to Mr. Dikler after March	1 2 3 4	had you A.	M. Visconti Before you arrested Mr. Dikler, ever seen a TA employee with a shield? I don't remember.
2 3 4 5	M. Visconti regard to that. Q. Do you believe that you spoke to the DA with regard to Mr. Dikler after March 22, 2006?	1 2 3 4 5	had you A. Q.	M. Visconti Before you arrested Mr. Dikler, ever seen a TA employee with a shield? I don't remember. You don't remember?
2 3 4 5 6	M. Visconti regard to that. Q. Do you believe that you spoke to the DA with regard to Mr. Dikler after March 22, 2006? A. No.	1 2 3 4 5 6	had you A. Q. A.	M. Visconti Before you arrested Mr. Dikler, ever seen a TA employee with a shield? I don't remember. You don't remember? No.
2 3 4 5 6 7	M. Visconti regard to that. Q. Do you believe that you spoke to the DA with regard to Mr. Dikler after March 22, 2006? A. No. Q. You believe it happened all on	1 2 3 4 5 6 7	had you A. Q. A.	M. Visconti Before you arrested Mr. Dikler, ever seen a TA employee with a shield? I don't remember. You don't remember? No. MS. PRIVETERRE: In his
2 3 4 5 6 7 8	M. Visconti regard to that. Q. Do you believe that you spoke to the DA with regard to Mr. Dikler after March 22, 2006? A. No. Q. You believe it happened all on March 22? A. Yes.	1 2 3 4 5 6 7 8	had you A. Q. A.	M. Visconti Before you arrested Mr. Dikler, ever seen a TA employee with a shield? I don't remember. You don't remember? No. MS. PRIVETERRE: In his city MR. ZELMAN: I am asking him
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	Case 1.07-cv-03904-FAC Document	J-J	1 lied 00/21/2000 Fage 10 01 25
	Page 66		Page 68
1	M. Visconti	1	M. Visconti
<b>'</b> 2	Q. You didn't develop an opinion on	2	of badges would typically say?
<u>`</u> 3	that matter?	3	MS. PRIVETERRE: Objection.
4	MS. PRIVETERRE: Objection.	4	Objection to the word "typical."
5	A. No.	5	A. There is no
6	Q. Did he deny that it was a forged	6	Q. No typical badge?
7	badge?	7	A. No.
8	A. I don't remember	8	Q. In possessing the type of badge
9	Q. After you arrested Mr. Dikler,	9	that Mr. Dikler had, did you form an opinion
10	did you ever advise him about what would	10	as to whether or not he had an intent to
11	likely happen to his case?	11	deceive with it?
12	MS. PRIVETERRE: Objection.	12	MS. PRIVETERRE: Objection.
13	A. I don't remember.	13	A. No.
14	Q. Did you ever say that the	14	Q. You did not form an opinion?
15	forgery charge is likely to get dismissed?	15	A. No.
16	A. I don't remember.	16	Q. Do you have an opinion today
17	Q. Before you arrested Mr. Dikler,	17	about that?
18	did you have any knowledge about what the	18	A. No.
19	court would likely do with this case?	19	Q. Do you suspect that he was
20	MS. PRIVETERRE: Objection.	20	trying to deceive somebody with it or not?
21	A. No.	21	MS. PRIVETERRE: Objection.
22	Q. When you made the arrest of Mr.	22	Asked and answered.
23	Dikler, it was not your contention that the	23	MR. SILVERMAN: Objection to
24	information contained within the badge was in	24	the form.
25	any way inaccurate; is that correct?	25	A. I don't know.
	Page 67		Page 69
1	M. Visconti	1	M. Visconti
2	MS. PRIVETERRE: Objection.	2	Q. Who made the decision about the
3	May I have that read back?	3	arrest charges? Was it your decision or was
4	The requested portion of the	4	it someone else's?
5	record was read.]	5	A. Mine.
6	MS. PRIVETERRE: Do you	6	Q. Do you recall what the arrest
7	understand that question?	7	charges were?

		Page ·
	1	M. Visconti
	2	MS. PRIVETERRE: Objection.
	2 3 4	May I have that read back?
	4	[The requested portion of the
	5	record was read.]
	6 7	MS. PRIVETERRE: Do you
	7	understand that question?
	8	THE WITNESS: No, I did not.
	9	Q. Was it your belief that the
	10	information contained within the badge was in
	11	any way inaccurate?
	12	MR. SILVERMAN: Objection to
	13	the form.
	14	<ul> <li>A. I don't understand the question.</li> </ul>
	15	<ul><li>Q. Do you recall the information</li></ul>
	16	that the badge had on it?
	17	<ul> <li>A. Not specifically.</li> </ul>
	18	Q. Do you recall that it had Mr.
	19	Dikler's name?
	20	MS. PRIVETERRE: Objection.
1	21	A. I don't remember.
	22	Q. Do you remember any information
	23	that was on the badge?
	24	<ul> <li>A. Specifically, no.</li> </ul>
	25	Q. Do you remember what those types
ì		

3	arrest charges? Was it your decision or was
4	it someone else's?
5	A. Mine.
6	Q. Do you recall what the arrest
7	charges were?
8	A. It was for the possession of a
9	forged instrument.
10	Q. Do you recall anything else?
11	A. I am not sure.
12	Q. Was there also one charge for
13	the unauthorized use of detective
14	identification, General Business Law Section
15	80.
16	A. I am not sure. That might have
17	been one.
18	Q. That might have been one?
19	A. I am not sure.
20	MS. PRIVETERRE: Are we going
21	to mark it as an exhibit, counselor?
22	MR. ZELMAN: No, I am not.
23	MS. PRIVETERRE: You are
24	referring to something.
25	MR. ZELMAN: I could look at

i .			
	Page 70	_	Page 72
1	M. Visconti	1	M. Visconti
' 2	anything I want.	2	bulletin that I had explained about earlier.
3	MS. PRIVETERRE: The witness	3	Q. That is the same instruction
4	does not have the benefit of seeing	4	sheet that you had from the Federal Protective
5	that.	5	Service or a different intelligent bulletin?
6	MR. ZELMAN: You could show him	6	MR. SILVERMAN: Note my
7	whatever you want. I am not here to	7	objection to the form.
8	prepare your witness.	8	MS. PRIVETERRE: I join.
9	MS. PRIVETERRE: You are	9	Q. What intelligent bulletin are
10	referring to a document	10	you referring to?
11	MR. ZELMAN: Counsel, please.	11	A. The one issued by the New York
12	Q. Was it your opinion that Mr.	12	Police Department.
13	Dikler had violated General Business Law	13	Q. Do you recall how many pages
14	Section 80?	14	that was?
15	A. I am not sure.	15	MS. PRIVETERRE: Asked and
16	Q. Do you recall what the General	16	answered. Objection.
17	Business Law Section 80 is?	17	A. One.
18	A. No.	18	Q. It was one page?
19	Q. How would you make a	19	A. Yes.
20	determination about what the arrest charges	20	Q. The way you extrapolated which
21	were?	21	charge to charge Mr. Dikler, were those
22	A. Based on the incident.	22	charges listed on the form itself?
23	Q. And how would you determine	23	MS. PRIVETERRE: Objection.
24	which arrest charges to apply to the incident?	24	A. What?
25	<ul> <li>A. Would you please rephrase the</li> </ul>	25	Q. Before you charged Mr. Dikler
<u> </u>	Page 71		Page 73
1	Page 71 M. Visconti	1	M. Visconti
2	question.	2	with an arrest charge, would you have read the
3	Q. You were the one who decided	3	law on it?
4	which arrest charges to apply to Mr. Dikler;	4	A. Explain it better.
5	is that correct?	5	Q. One of the arrest charges was
_	MS. PRIVETERRE: Objection.	6	the possession of a forged instrument in the
6 7		7	second degree; is that correct?
4	· · · · · · · · · · · · · · · · · · ·	8	A. Yes.
8		9	Q. You indicated that you would use
9	arrest charges versus other arrest charges?	10	the instruction sheet to make the
10	For example, the possession of a forged	11	determination that was the arrest charge to
11	instrument in the second degree?  MS. PRIVETERRE: Objecting.	12	apply to Mr. Dikler
12		13	MS. PRIVETERRE: Objection.
13	Q. That was an arrest charge; is	14	
14	that correct.	15	
15	MS. PRIVETERRE: Objection.	16	
	A. Repeat that.	17	·
16	O Mag the personies of a forced	I/	particular statute, the possession of a forged
17	Q. Was the possession of a forged	10	instrument on your own? Mould you read that
17 18	instrument in the second degree the arrest	18	instrument, on your own? Would you read that
17 18 19	instrument in the second degree the arrest charge?	19	item as to whether it applied to this
17 18 19 20	instrument in the second degree the arrest charge?  A. I think so, yes.	19 20	item as to whether it applied to this particular event?
17 18 19 20 21	instrument in the second degree the arrest charge?  A. I think so, yes. Q. How did you determine that	19 20 21	item as to whether it applied to this particular event?  A. Not necessarily.
17 18 19 20 21 22	instrument in the second degree the arrest charge?  A. I think so, yes. Q. How did you determine that particular charge as opposed to first degree,	19 20 21 22	item as to whether it applied to this particular event?  A. Not necessarily. Q. Do you recall if you did that in
17 18 19 20 21 22 23	instrument in the second degree the arrest charge?  A. I think so, yes. Q. How did you determine that particular charge as opposed to first degree, the third degree or some other violation of	19 20 21 22 23	item as to whether it applied to this particular event?  A. Not necessarily. Q. Do you recall if you did that in this case?
17 18 19 20 21 22	instrument in the second degree the arrest charge?  A. I think so, yes. Q. How did you determine that particular charge as opposed to first degree,	19 20 21 22	item as to whether it applied to this particular event?  A. Not necessarily. Q. Do you recall if you did that in

۱ ،	Page 74	1	Page 76 M. Visconti
	M. Visconti	1 2	the witness.
2	MS. PRIVETERRE: No, you don't	3	MR. ZELMAN: I am not badgering
3	recall or no, you didn't?	4	him.
4	A. No, I don't recall.	5	MS. PRIVETERRE: You are being
5	MS. PRIVETERRE: Then you	6	argumentative.
6	should say so.	7	MR. ZELMAN: No, I am not.
7	Q. With regard to General Business	8	If you want to talk, this is not the
8	Law Section 80, do you recall whether you read	9	time. You are allowed to object. I
9 10	that before you determined it was an arrest	10	said it four times.
11	charge? A. No.	11	MS. PRIVETERRE: I won't allow
12	Q. So, typically, the way that you	12	you to badger the witness.
13	determine an arrest charge is to read an NYPD	13	MR. ZELMAN: Let's call the
14	memo or instruction sheet?	14	court. I am sick of this. If you
15	MS. PRIVETERRE: Objection to	15	want to call the court, then let's do
16	the form.	16	it.
17	A. No.	17	MS. PRIVETERRE: You are
18	Q. How do you typically determine	18	badgering him. He is asking you for a
19	what the arrest charges are?	19	clarification. You keep saying, what
20	A. It depends on the incident.	20	doesn't he understand.
21	Q. How do you determine what the	21	MR. ZELMAN: You can't speak
22	charges are?	22	during a deposition, doesn't that sink
23	A. It depends on the incident.	23	in with you?
24	MS, PRIVETERRE: Asked and	24	MS. PRIVETERRE: I am not the
25	answered.	25	one badgering the witness.
	Appendix and the second	ļ	
	Page 75		Page 77
1	M. Visconti	1	M. Visconti
2	Q. In this particular case one of	2	MR. ZELMAN: I am not the one
3	the arrest charges was possession of a forged	3	badgering anyone but you at this time.
4	instrument in the second degree.	4	MS. PRIVETERRE: You can't
5	A. Yes.	5	badger anyone, let alone the deponent.
6	Q. My question is, how did you make	i	NAD ZELNANI. Val. samb sanak
	- · · · · · · · · · · · · · · · · · · ·	6	MR. ZELMAN: You can't speak
7	a determination that it was possession of a	7	during the deposition. It is just that
7 8	a determination that it was possession of a forged instrument in the second degree and not	7 8	during the deposition. It is just that simple.
7 8 9	a determination that it was possession of a forged instrument in the second degree and not possession of a forged instrument in the third	7 8 9	during the deposition. It is just that simple.  MS. PRIVETERRE: He is asking
7 8 9 10	a determination that it was possession of a forged instrument in the second degree and not possession of a forged instrument in the third degree?	7 8 9 10	during the deposition. It is just that simple.  MS. PRIVETERRE: He is asking you to clarify. You don't come back
7 8 9 10 11	a determination that it was possession of a forged instrument in the second degree and not possession of a forged instrument in the third degree?  MS. PRIVETERRE: Objection.	7 8 9 10 11	during the deposition. It is just that simple.  MS. PRIVETERRE: He is asking you to clarify. You don't come back with, what don't you understand.
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Case 1:07-cv-05984-PAC Document 1	5-5	Filed 08/27/2008 Page 21 of 25
Page 78		Page 80
M. Visconti	1	M. Visconti
he violated and not some other law?	2	(Plaintiffs' Exhibit 1, document
		dated March 22, 2006 marked for
- ·	t	identification, as of this date.)
	1	Q. I would ask you and your counsel
The state of the s	1	to take a look at that.
		MR. SILVERMAN: May I see that
•		too?
		MS. PRIVETERRE: Sure.
	ı	Q. Is that your signature on the
		bottom of that page?
• • • • • • • • • • • • • • • • • • • •		A. Yes.
•		Q. And you signed that on 3/22/06?
		A. Yes.
		Q. Before you signed that, you read
•		this document?
		A. Yes.
		Q. On the first paragraph of the
• • • • • • • • • • • • • • • • • • • •		document, it indicates that Mr. Dikler had an
•		intent to defraud, deceive and injure another;
	ı	is that correct?
	1	A. Yes.
		Q. And you also indicated that you
<b>4</b>	;	were informed by Mr. Vega that the informant
	25	recovered a forged New York City Police
, ,		
Page 79		Page 81
	1	M. Visconti
		Department detective-type shield; is that
with that offense?	_	correct?
A. Yes.	4	A. Yes.
-		Q. And it was recovered from inside
A. You are welcome.	6	the detective's jacket?
	7	A. Yes.
use the arrest charges as criminal charges?	8	Q. That is what the document says?
		A. Yes.
Q. Did you ever become aware that	10	Q. Did he indicate that he had
criminal possession of a forged instrument in	11	recovered a forged detective-style shield?
the second degree requires an intent to	12	A. I don't remember if I spoke to
defraud, deceive or injure somebody?	13	him specifically.
	M. Visconti he violated and not some other law? A. I was guided by the NYPD bulletin. Q. Other than the NYPD bulletin, was there any other instrument or any other influence in your determination about what the arrest charge was other than the bulletin? A. No. Q. Did someone tell you that this is what you were supposed to charge him with, you read that law or was it something else? A. No. Q. What did the bulletin say that made you determine to charge Mr. Dikler with possession of a forged instrument in the second degree? A. I don't remember specifically. Q. The same is true with respect to General Business Law Section 80? A. Yes. MS. PRIVETERRE: Objection. Q. You don't remember what specifically the instruction sheet said with regard to that, but that is where you believe  Page 79  M. Visconti that you got the information to charge him with that offense? A. Yes. Q. Okay. Thank you very much. A. You are welcome. Q. Do you know if the DA decided to use the arrest charges as criminal charges? A. I don't remember. Q. Did you ever become aware that criminal possession of a forged instrument in the second degree requires an intent to	M. Visconti he violated and not some other law? A. I was guided by the NYPD bulletin. Q. Other than the NYPD bulletin, was there any other instrument or any other influence in your determination about what the arrest charge was other than the bulletin? A. No. Q. Did someone tell you that this is what you were supposed to charge him with, you read that law or was it something else? A. No. Q. What did the bulletin say that made you determine to charge Mr. Dikler with possession of a forged instrument in the second degree? A. I don't remember specifically. Q. The same is true with respect to General Business Law Section 80? A. Yes. MS. PRIVETERRE: Objection. Q. You don't remember what 23 specifically the instruction sheet said with regard to that, but that is where you believe  Page 79  M. Visconti that you got the information to charge him with that offense? A. Yes. Q. Okay. Thank you very much. A. You are welcome. Q. Do you know if the DA decided to use the arrest charges as criminal charges? A. I don't remember. Q. Did you ever become aware that criminal possession of a forged instrument in the second degree requires an intent to

- 1	•	711 1651	, ,	74. 105.
	5	Q. Okay. Thank you very much.	5	Q. And it was recovered from inside
	6	<ol> <li>You are welcome.</li> </ol>	6	the detective's jacket?
	7	Q. Do you know if the DA decided to	7	A. Yes.
	8	use the arrest charges as criminal charges?	8	Q. That is what the document says?
	9	A. I don't remember.	9	A. Yes.
	10	<ul> <li>Q. Did you ever become aware that</li> </ul>	10	Q. Did he indicate that he had
	11	criminal possession of a forged instrument in	11	recovered a forged detective-style shield?
	12	the second degree requires an intent to	12	<ul> <li>A. I don't remember if I spoke to</li> </ul>
	13	defraud, deceive or injure somebody?	13	him specifically.
	14	A. No.	14	<ul> <li>Q. If he denies that he said that,</li> </ul>
	15	Q. Are you aware of that today?	15	would you believe that is incorrect?
	16	A. No.	16	MS. PRIVETERRE: Objection.
	17	Q. Did you speak to Security	17	MR. SILVERMAN: Objection to
	18	Officer Wilson Vega regarding Mr. Dikler?	18	the form.
	19	A. I don't remember.	1 <del>9</del>	A. No.
	20	Q. Do you know if he told you	20	Q. Do you recall if Mr. Vega ever
1	21	anything about what had happened?	21	in writing advised you that he recovered a
	22	A. I don't remember.	22	forged New York City police detective-style
	23	MR. ZELMAN: Please mark this	23	shield?
	24	as Plaintiffs' Exhibit 1 for	24	<ul> <li>A. I think that was in the report</li> </ul>
	25	identification.	25	that I indicated earlier.

	Page	02	Page 84
1	M. Visconti	1	M. Visconti
2	Q. Did Mr. Vega ever express an	2	is?
1 3	opinion about whether the shield was forged?	3	A. No.
4	A. Not that I know.	4	Q. You never saw it before?
5	Q. Is there anything else about	5	A. No.
6	this particular arrest that you recall that I	6	Q. Do you believe that you
7	have not asked you about?	7	completed this document?
8	A. No.	8	A. No.
9		9	O. The shield that was recovered
10	Q. Did you place handcuffs on Mr. Dikler?	10	•
i		11	from Mr. Dikler, do you know if it was ever
11			given back to him?
12	Q. How long was he in handcuffs	12	A. No.
13	for?	13	Q. You don't know?
14	A. I don't know.	14	A. No.
15	Q. Do you know how long he was in	15	Q. The shield that was recovered
16	custody for?	16	from Mr. Dikler, do you recall if it had an
17	A. A few hours. I am not sure.	17	identifying number on it?
18	Q. Did you transport him to central	18	A. I think so, but I am not sure.
19	booking?	19	<ul><li>Q. That identifying number, was</li></ul>
20	A. I don't remember.	20	that ever corresponded to Mr. Dikler's
21	Q. Do you remember being at central	21	employment at the Transit Authority?
22	booking that day, March 22?	22	MS. PRIVETERRE: Objection.
23	A. I don't remember.	23	MR. SILVERMAN: Objection.
24	Q. Do you remember anything that he	24	MR. PRIVETERRE: Objection to
25	told you?	25	the form.
$\overline{}$			
	Page	83	Page 85
1	Page M. Visconti	83 1	Page 85 M. Visconti
1 2			
1 2 3	M. Visconti A. No.	1	M. Visconti A. I don't remember.
2 3	M. Visconti A. No. Q. Did you speak to any civilian	1 2	<ul><li>M. Visconti</li><li>A. I don't remember.</li><li>Q. You understand the question,</li></ul>
2 3 4	M. Visconti A. No. Q. Did you speak to any civilian witnesses about this event?	1 2 3 4	M. Visconti A. I don't remember. Q. You understand the question, though?
2 3 4 5	M. Visconti A. No. Q. Did you speak to any civilian witnesses about this event? A. I don't remember.	1 2 3 4 5	M. Visconti A. I don't remember. Q. You understand the question, though? A. Yes.
2 3 4 5 6	M. Visconti A. No. Q. Did you speak to any civilian witnesses about this event? A. I don't remember. Q. And you never spoke to his	1 2 3 4 5 6	M. Visconti A. I don't remember. Q. You understand the question, though? A. Yes. Q. Have you ever had a discussion
2 3 4 5 6 7	M. Visconti A. No. Q. Did you speak to any civilian witnesses about this event? A. I don't remember. Q. And you never spoke to his employer about this?	1 2 3 4 5 6 7	M. Visconti A. I don't remember. Q. You understand the question, though? A. Yes. Q. Have you ever had a discussion at the Internal Affairs Bureau about,
2 3 4 5 6 7 8	M. Visconti A. No. Q. Did you speak to any civilian witnesses about this event? A. I don't remember. Q. And you never spoke to his employer about this? A. No.	1 2 3 4 5 6 7 8	M. Visconti A. I don't remember. Q. You understand the question, though? A. Yes. Q. Have you ever had a discussion at the Internal Affairs Bureau about, generally, a policy of inspecting badges at 26
2 3 4 5 6 7 8 9	M. Visconti A. No. Q. Did you speak to any civilian witnesses about this event? A. I don't remember. Q. And you never spoke to his employer about this? A. No. MR. ZELMAN: Please mark this	1 2 3 4 5 6 7 8 9	M. Visconti A. I don't remember. Q. You understand the question, though? A. Yes. Q. Have you ever had a discussion at the Internal Affairs Bureau about, generally, a policy of inspecting badges at 26 Federal Plaza?
2 3 4 5 6 7 8 9	M. Visconti A. No. Q. Did you speak to any civilian witnesses about this event? A. I don't remember. Q. And you never spoke to his employer about this? A. No. MR. ZELMAN: Please mark this exhibit as Plaintiffs' Exhibit 2 for	1 2 3 4 5 6 7 8 9	M. Visconti A. I don't remember. Q. You understand the question, though? A. Yes. Q. Have you ever had a discussion at the Internal Affairs Bureau about, generally, a policy of inspecting badges at 26 Federal Plaza? A. I don't understand the question.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	M. Visconti A. No. Q. Did you speak to any civilian witnesses about this event? A. I don't remember. Q. And you never spoke to his employer about this? A. No. MR. ZELMAN: Please mark this exhibit as Plaintiffs' Exhibit 2 for identification. (Plaintiffs' Exhibit 2, document marked for identification, as of this date.) Q. I would just ask you if you recognize that document? A. No. Q. Does it have your name on the top of the page? A. No. Q. Did you write that? A. No.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	M. Visconti A. I don't remember. Q. You understand the question, though? A. Yes. Q. Have you ever had a discussion at the Internal Affairs Bureau about, generally, a policy of inspecting badges at 26 Federal Plaza? A. I don't understand the question. Q. At internal affairs with your colleagues or supervisor have you ever had a discussion about the fact there is a policy of inspecting badges at 26 Federal Plaza? A. Yes. Q. Is it common knowledge at internal affairs that anybody who goes through 26 Federal Plaza and has a badge, that badge will be examined?  MS. PRIVETERRE: Objection. A. I don't understand the question. Q. In general, at internal affairs,

1	Page 86 M. Visconti	1	Page 88 M. Visconti
1 2	Q. Yes.	2	A. Yes.
1 3	A. Today?	3	Q. Would that be very unusual?
4	Q. Or in 2006.	4	A. Yes.
5	A. I don't understand.	5	Q. What about five people, would
6	Q. Is it a fairly typical	6	that be unusual?
7	assignment for an internal affairs	7	
8	investigator to have to report to 26 Federal	8	A. The question, it is not there is no specific answer.
9	· · · · · · · · · · · · · · · · · · ·	9	•
10	Plaza in 2003 or 2004, in order to inspect the shield or badge?	10	Q. Are you aware of a policy of
11	MS. PRIVETERRE: Objection to	11	arrest at 26 Federal Plaza with respect to
12	the form.	12	badges?
13		13	A. Yes.
	You could answer the question,	14	Q. What is that policy?
14	if you understand it.	3	A. At 26 Federal Plaza, if someone
15	A. Not necessarily.	15	would go into 26 Federal Plaza with a shield
16	Q. But this was the first time you	16	they would notify my office.
17	did an arrest at 26 Federal Plaza; is that	17	Q. Are you aware of any other
18	correct?	18	facility that has that policy, that when
19	A. That I remember.	19	anyone comes into the facility with a badge,
20	Q. Did you ever speak to other	20	they are going to notify internal affairs?
21	colleagues if they had performed an arrest at	21	A. My unit is notified in regard to
22	26 Federal Plaza with regard to similar shield	22	all shields.
23	or badge issues?	23	Q. My question is this, with
24	A. Yes.	24	respect to the policy, are you aware of
25	Q. How many other times have you	25	another facility, a federal facility or a
	Page 87		Page 89
1	M. Visconti	1	M. Visconti
2	had any other discussion with other people at	2	state facility or some other type of facility
3	internal affairs?	3	that if someone comes in with a badge they
4	A. I don't remember.	4	would call internal affairs?
5	<ul> <li>Q. Do you have any idea how many</li> </ul>	5	MS. PRIVETERRE: Objection.
6	other people got stopped at 26 Federal Plaza	6	A. Yes.
7	with respect to their badges?	7	Q. What other facility?
8	A. I don't know.	8	A. One Police Plaza.
9	Q. Do you know if it was more than	9	Q. Any other facility?
			- ,
10	100?	10	A. I don't know.
11	100? A. I don't know.	11	A. I don't know. Q. Where did you first learn about
11 12	100? A. I don't know. Q. Do you know if any other persons	11 12	A. I don't know. Q. Where did you first learn about the policy that 26 Federal Plaza had?
11 12 13	A. I don't know. Q. Do you know if any other persons were arrested on March 22, 2006, with respect	11 12 13	A. I don't know. Q. Where did you first learn about the policy that 26 Federal Plaza had? A. Where?
11 12 13 14	A. I don't know. Q. Do you know if any other persons were arrested on March 22, 2006, with respect to carrying a badge at 26 Federal Plaza?	11 12 13 14	A. I don't know. Q. Where did you first learn about the policy that 26 Federal Plaza had? A. Where? Q. Yes.
11 12 13 14 15	A. I don't know. Q. Do you know if any other persons were arrested on March 22, 2006, with respect to carrying a badge at 26 Federal Plaza? A. I don't know.	11 12 13 14 15	A. I don't know. Q. Where did you first learn about the policy that 26 Federal Plaza had? A. Where? Q. Yes. A. At my office.
11 12 13 14 15 16	A. I don't know. Q. Do you know if any other persons were arrested on March 22, 2006, with respect to carrying a badge at 26 Federal Plaza? A. I don't know. Q. Would it surprise you to learn	11 12 13 14 15 16	A. I don't know. Q. Where did you first learn about the policy that 26 Federal Plaza had? A. Where? Q. Yes. A. At my office. Q. How did you learn that? Did
11 12 13 14 15 16 17	A. I don't know. Q. Do you know if any other persons were arrested on March 22, 2006, with respect to carrying a badge at 26 Federal Plaza? A. I don't know. Q. Would it surprise you to learn that 20 people that day were arrested at 26	11 12 13 14 15 16 17	A. I don't know. Q. Where did you first learn about the policy that 26 Federal Plaza had? A. Where? Q. Yes. A. At my office. Q. How did you learn that? Did someone tell you? Did you read a memo? Did
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	Page 90		Page 92
1	M. Visconti	1	
2	taken place?	2	CERTIFICATION
( 3	A. No.	3	
4	Q. Do you remember when that policy	4	
5	began?	5	I, MINDY CORCORAN, hereby
6	A. No.	6	certify that the within was held before
7	Q. Is it safe to say that Mr.	7	•
		i i	me on the 21st day of May, 2008.
8	Dikler's arrest was not the only arrest for	8	That the testimony was taken
9	violation of that policy?	9	stenographically by myself.
10	A. Yes.	10	That the within transcript is a
11	MS. PRIVETERRE: Objection to	11	true and accurate record.
12	the form.	12	That I am not connected by blood
13	<ul> <li>Q. Can you estimate how many more</li> </ul>	13	or marriage with any of the parties. I
14	people were arrested?	14	am not interested directly or indirectly
15	A. No.	15	in the matter in controversy.
16	MR. ZELMAN: No further	16	IN WITNESS WHEREOF, I have
17	questions. Thank you.	17	hereunto set my hand this 21st day of
18	MR. SILVERMAN: I have no	18	May, 2008.
19	questions. Thank you.	19	1147/ 20001
20	THE WITNESS: Thank you.	20	\$ ·
21	THE WITHESS. HIGHR YOU.	21	MINDY CORCORAN
22	(\Albaya\), may = 1.15 = no. the	F	MINDY CORCORAN
	(Whereupon, at 1:15 p.m., the	22	
23	examination of the witness was	23	
24	concluded.)	24	
25		25	
<u> </u>			
	Page 91		Page 93
1	M. Visconti	1	
2	MICHAEL VISCONTI	2	INDEX
3	Subscribed and sworn to	3	WITNESS: MICHAEL VISCONTI
4	before me this day	4	EXAMINATION PAGE
5	of, 2008.	5	By Mr. Zelman 5
6	· · · · · · · · · · · · · · · · · · ·	6	,
7	Notary Public	7	PLAINTIFFS'
8	, , , , , , , , , , , , , , , , , , , ,	8	EXHIBITS DESCRIPTION PAGE
9		9	1 Document dated March 22,
10		10	2006 80
11		11	2 Document 83
12		12	2 Document 85
13		13	DIRECTIONS
			DIRECTIONS
14		14	PAGE LINE
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1		Page 94	
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1 2	<del>* .</del>		
	MICHAEL VISCO	ONTI	
2	MICHAEL VISCO	ONTI	
3	MICHAEL VISCO Subscribed and sworn to before me this	ONTI	
3	MICHAEL VISCO Subscribed and sworn to before me this	ONTI	
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3 4	MICHAEL VISCO Subscribed and sworn to before me this, 200	ONTI	
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